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TEXT AMENDMENT NO. 249

\*Effective:  
April 2, 1998

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

By inserting the following article:

ARTICLE 61

AUDUBON CIRCLE NEIGHBORHOOD DISTRICT

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\* Date of public notice: March 2, 1998 (see St. 1956, c. 665, s. 5)



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**SECTION 61-1. Statement of Purpose and Objectives.** The purpose of this Article is to establish the zoning regulations for the Audubon Circle Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

**SECTION 61-2. Physical Boundaries.** The provisions of this Article are applicable only in the Audubon Circle Neighborhood District. The boundaries of the Audubon Circle Neighborhood District and its subdistricts are as shown on the map numbered 1M entitled "Audubon Circle Neighborhood District," amending "Map 1 Boston Proper," of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 61-3. Applicability.** This Article together with the rest of this Code constitutes the zoning regulation for the Audubon Circle Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Audubon Circle Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

**SECTION 61-4. Prohibition of Planned Development Areas.** Within the Audubon Circle Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 61-15.

**SECTION 61-5. Community Participation.** This Article has been developed with the extensive participation of the Audubon Circle Planning and Zoning Advisory Committee, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning



is critical to the success of any zoning article or development plan. To continue that role, the Audubon Circle Planning and Zoning Advisory Committee, or its successor organization, and the Audubon Circle civic associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for Audubon Circle.



## REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

**SECTION 61-6. Establishment of Residential Subdistricts.** This Section 61-6 establishes Residential Subdistricts within the Audubon Circle Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage low to medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

## **SECTION 61-7. Use Regulations Applicable in Residential Subdistricts.**

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the Audubon Circle Neighborhood District.

## **SECTION 61-8. Dimensional Regulations Applicable in Residential Subdistricts.**

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table B of this Article.



2. Lot Frontage. Within a Multifamily Residential ("MFR") Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table B of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of the Front Yards required by this Article, as set forth in Table D.
4. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.
5. Town House/Row House Extensions into Rear Yard. Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or (b) involves the addition of a porch or balcony, other than a roof deck, above the first story.



## REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

### **SECTION 61-9. Establishment of Neighborhood Business Subdistricts.**

This Section 61-9 establishes Neighborhood Business Subdistricts within the Audubon Circle Neighborhood District. There is one type of Neighborhood Business Subdistrict: Local Convenience ("LC"), providing convenience retail and services for the immediate neighborhood and pedestrians. Neighborhood Business Subdistricts are established to encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Audubon Circle community.

The physical character and visual image of Audubon Circle's commercial center is critical to its success. Appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistrict.

The following Neighborhood Business Subdistrict is established:

1. Audubon Circle Local Convenience (LC) Subdistrict

**SECTION 61-10. Use Regulations Applicable in Neighborhood Business Subdistricts.** Within a Neighborhood Business Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Neighborhood Business Subdistrict.

**SECTION 61-11. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table C of this Article.



REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 61-12. **Establishment of Open Space Subdistricts.** This Section 61-12 establishes Open Space ("OS") Subdistricts in the Audubon Circle Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Audubon Circle's residents by protecting open space resources. Any Lot within an Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the Audubon Circle Neighborhood District are listed in Table 1 of this Section 61-12 and are of the following types:

- 1. Air-Right Open Space (OS-A) Subdistrict. An Air-Right Open Space Subdistrict shall consist of land used as a Transit Corridor owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridor.

TABLE 1

**Open Space Subdistricts in the  
Audubon Circle Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Air Right	MBTA Riverside Line



## REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

### SECTION 61-13. **Establishment of Neighborhood Design Overlay**

**Districts.** This Section 61-13 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the Audubon Circle Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts.

For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay District is established:

1. Audubon Circle Neighborhood Design Overlay District. The Audubon Circle Neighborhood Design Overlay District has a number of well designed residential buildings. Built between 1888 and 1915, this area represents an extension of the Back Bay residential area. Audubon Circle and Beacon Street, planned in 1886 by Frederick Law Olmsted, are lined with buildings of architectural significance. The earliest buildings represent fine examples of Queen Anne/Romanesque row houses. There are also significant buildings representing the Renaissance Revival, Georgian/Classical Revival, Jacobethan, Romanesque/Georgian Revival and Beaux Arts architectural styles. The most significant building in the area is the Georgian Revival style Second Church in Boston (Ruggles Church) and parsonage built in 1914.

**SECTION 61-14. Establishment of Special Study Overlay Areas.** This Section 61-14 establishes Special Study Overlay Areas ("SSOA") within the Audubon Circle Neighborhood District. The purpose of Special Study Overlay Areas is to identify areas where further comprehensive planning studies may be appropriate. Such studies are appropriate in areas that at present are largely vacant or underutilized or that are devoted principally to a single large use, because such areas lack established patterns for coordinating a mix of land uses and for integrating streets, buildings, and open space. As planning studies are undertaken, further land use regulations may be proposed to implement their recommendations.

The following Special Study Overlay Area is established:



1. Massachusetts Turnpike Extension. This Special Study Overlay Area overlays the area of the Boston Extension of the Massachusetts Turnpike within the Audubon Circle Neighborhood District. This area, which is included in a Multifamily Residential (MFR) Subdistrict established in Section 61-6, is occupied principally by the Turnpike roadway. Further planning studies may be appropriate with respect to the development of air rights over this transit corridor.



## REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

**SECTION 61-15. Establishment of Area Within Which Planned Development Areas May be Permitted.** Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within the area of the Audubon Circle Neighborhood District depicted as the PDA permitted area on Appendix A to this Article. PDAs are not permitted elsewhere in the Audubon Circle Neighborhood District.

The purposes of permitting PDAs in the area specified above are to provide for a more flexible zoning law; to provide public benefits to the Audubon Circle community, including the creation of new job opportunities and housing for individuals and families of all economic groups; to allow for the diversification and expansion of Boston's economy through manufacturing, commercial, and scientific research and development uses compatible with adjacent residential uses; to encourage economic development while ensuring quality urban design by providing planning and design controls; and to provide connections for Audubon Circle to the downtown economy.

### **SECTION 61-16. Planned Development Areas: Use and Dimensional Regulations.**

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:



TABLE 2

**Audubon Circle Neighborhood District  
Planned Development Areas  
Maximum Building Heights and Floor Area Ratios**

<u>Maximum</u>	
<u>Building Height</u>	<u>FAR</u>
120'(1)	4.0

- (1) Within 125 feet of the street line of Beacon Street, the Building Height shall not exceed sixty-five (65) feet.

SECTION 61-17. **Planned Development Area Review Requirement.** See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

SECTION 61-18. **Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and expansion of Boston’s economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to Audubon Circle and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.



## REGULATIONS GOVERNING DESIGN

### SECTION 61-19. **Design Review and Design Guidelines.**

1. Applicability of Design Review. To ensure that growth in the Audubon Circle Neighborhood District is compatible with the character of the buildings and urban design features of the neighborhood, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review).

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2 (Applicability of Small Project Review).

2. Design Guidelines. This Section 61-19.2 establishes the following design guidelines for the Audubon Circle Neighborhood District:
  - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
  - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
  - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
  - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.
  - (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural



character of historically distinctive commercial buildings in the surrounding area.

- (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.
- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in



building design. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.

- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) If a security grate is to be used on a building, it should be a grille rather than a roll-up steel door. Such security grate should be mounted inside rather than outside the building, if practicable, and if it must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner. Security grates should be integrated into the design of the facade.



- (r) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

**SECTION 61-20. Roof Structure Restrictions.** In the Audubon Circle Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

**SECTION 61-21. Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 61-21 shall apply to Proposed Projects within those subdistricts specified in this Section 61-21, except to the extent that provisions for Street Walls and display windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 61-21.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 61-21.1 shall apply within the Neighborhood Business



Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 61-21.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 61-21.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with Large Project Review or Small Project Review, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review or the Design Component of Small Project Review.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 61-21.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 61-21.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet,



whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 61-21.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
  - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
  - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
  - (iii) For Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.
- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 61-21.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used.



Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

**SECTION 61-22. Screening and Buffering Requirements.** In order to enhance the appearance of the Audubon Circle Neighborhood District and to ensure that its commercial subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 61-22 shall apply to those Proposed Projects described in this Section 61-22, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 61-22.

1. Screening and Buffering of Parking, Loading, and Storage Areas. Within any Neighborhood Business Subdistrict, any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 61-22.1. Such screening shall consist of trees and shrubs densely planted in a strip at least two (2) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

2. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, or (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 61-22.2. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.



3. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
4. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
5. Specifications for Plantings. Shrubs required by this Section 61-22 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 61-22 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
6. Maintenance of Landscaped Areas. Landscaping required by this Section 61-22 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 61-22.



## MISCELLANEOUS PROVISIONS

SECTION 61-23. **Sign Regulations.** The provisions of this Section 61-23 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Residential Subdistricts, and Open Space Subdistricts. In all Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential and Open Space. In all subdistricts other than Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 61-23. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
  - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
  - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign,



provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs are forbidden in the Audubon Circle Neighborhood District.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the Audubon Circle Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**SECTION 61-24. Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to or has elected to comply with Large Project Review, any required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces, if any, are as set forth in Table D, and the minimum required off-street loading spaces are as set forth in Table E. See also Section 3-1A.c, concerning regulations applicable in the Restricted Parking District.

- 1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.
- 2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
- 3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required



number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.

4. Location.

- (a) Off-street parking and loading spaces shall not be located in any part of the Front Yards or landscaped areas required by this Article.
- (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 61-24 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot.
- (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:

- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.

- (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
  - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
  - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

#### **SECTION 61-25. Application of Dimensional Requirements.**

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.



4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 61-25. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.
6. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
7. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
8. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.
9. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
10. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main

Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 61-25.10 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 61-25.10 were met.

11. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.
12. Exceptions to FAR Requirement. A new Town House or Row House on a single Lot of 2,500 square feet or less may exceed the allowable FAR to the extent necessary to match the Building Height and the Front and Rear Yards of an adjacent Town House or Row House. Existing Building Alignment shall be used to determine Front Yard depth of the new Town House or Row House. Rear Yard depth shall be determined by measuring from the rear wall of the main structure, exclusive of any additions or ell, of the adjacent Town House or Row House to the Rear Lot Line.

SECTION 61-26. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 61-27. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 61-28. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 61-29. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.



SECTION 61-30. **Tables and Appendices.** The following tables and appendices are hereby made part of this Article:

Table A                      Use Regulations

- A       -     Residential Subdistricts and  
             Neighborhood Business Subdistricts

Tables B-C                      Dimensional Regulations

- B       -     Residential Subdistricts
- C       -     Neighborhood Business Subdistricts

Tables D-E                      Parking and Loading Regulations

- D       -     Off-Street Parking
- E       -     Off-Street Loading

Appendix A   PDA Permitted Area

- A       -     Map





TABLE A

**Audubon Circle Neighborhood District  
Use Regulations  
Residential Subdistricts and Neighborhood Business Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden

For definition of use categories and certain specific uses, see Article 2A.

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Banking and Postal Uses</u>			
Automatic teller machine	F	F	F
Bank	F	F	F
Drive-in bank	F	F	F
Post office	F	F	F
<u>Community Uses</u>			
Adult education center	F	F	F
Community center	F	F	F
Day care center	F	F	F
Day care center, elderly	F	F	F
Library	F	F	F
Place of worship; monastery; convent; parish house	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Cultural Uses</u>			
Art gallery	F	C	F
Art use	F	F	F
Auditorium	F	F	F
Cinema	F	F	F
Concert hall	F	F	F
Museum	F	F	F
Public art, display space	F	C	F
Studios, arts	F	F	F
Studios, production	F	F	F
Theatre	F	F	F
Ticket sales	F	F	F
<u>Dormitory and Fraternity Uses</u>			
Dormitory not accessory to a use	F <sup>15</sup>	F <sup>15</sup>	F <sup>15</sup>
Fraternity	F	F	F
<u>Educational Uses</u>			
College or university	F <sup>16</sup>	F <sup>16</sup>	F <sup>16</sup>
Elementary or secondary school <sup>1</sup>	F	F	F
Kindergarten	F	F	F
Professional school	F	F	F
Trade school	F	F	F



TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Entertainment and Recreational Uses</u>			
Adult entertainment	F	F	F
Amusement game machines in commercial establishment	F	F	F
Amusement game machines in non-commercial establishment	F	F	F
Bar <sup>2</sup>	F	F	F
Bar with live entertainment <sup>2</sup>	F	F	F
Bowling alley	F	F	F
Billiard parlor	F	F	F
Dance hall	F	F	F
Drive-in theatre	F	F	F
Fitness center or gymnasium	F	F	F
Private club not serving alcohol	F	F	F
Private club serving alcohol	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. <sup>2</sup>	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m. <sup>2</sup>	F	F	F
<u>Funerary Uses</u>			
Cemetery	F	F	F
Columbarium	F	F	F
Crematory	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Funerary Uses (cont'd)</u>			
Funeral home	F	F	F
Mortuary chapel	F	F	F
<u>Health Care Uses</u>			
Clinic	F	F	F
Clinical laboratory	F	F	F
Custodial care facility	F	F	F
Group care residence, general	F	F	F
Hospital	F	F	F
Nursing or convalescent home	F	F	F
<u>Hotel and Conference Center Uses</u>			
Bed and breakfast	C	C	C
Conference center	F	F	F
Executive suites	F	F	F
Hotel	F	F	F
Motel	F	F	F
<u>Industrial Uses</u>			
Artists' mixed-use	F	F	F
Cleaning plant	F	F	F



TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Industrial Uses (cont'd)</u>			
General manufacturing use	F	F	F
Light manufacturing use	F	F	F
Printing plant	F	F	F
Restricted industrial use	F	F	F
<u>Office Uses</u>			
Agency or professional office	F	A	F
General office	F	F	F
Office of wholesale business	F	F	F
<u>Open Space Uses</u>			
Golf driving range	F	F	F
Grounds for sports, private	F	F	F
Open space	F	F	F
Open space recreational building	F	F	F
Outdoor place of recreation for profit	F	F	F
Stadium	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Public Service Uses<sup>1</sup></u>			
Automatic telephone exchange	F	F	F
Courthouse	F	F	F
Fire station	F	F	F
Penal institution	F	F	F
Police station	F	F	F
Pumping station	F	F	F
Recycling facility (excluding facilities handling toxic waste)	F		
Solid waste transfer station	F	F	F
Sub-station	F	F	F
Telephone exchange	F	F	F
<u>Research and Development Uses<sup>3</sup></u>			
Research laboratory	F	F	F
Product development or prototype manufacturing	F	F	F
<u>Residential Uses<sup>4</sup></u>			
Congregate living complex	F	F	F
Elderly housing	A	F	F
Group residence, limited	A	A	A
Lodging house	C	F	F



TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Residential Uses<sup>4</sup> (cont'd)</u>			
Mobile home	F	F	F
Mobile home park	F	F	F
Multi-family dwelling	A	A	A
One family detached dwelling	F	F	F
One family semi-attached dwelling	F	F	F
Orphanage	F	F	F
Rowhouse	A	A	A
Temporary dwelling structure	F	F	F
Three family detached dwelling	F	F	F
Townhouse	A	A	A
Transitional housing or homeless shelter	F	F	F
Two family detached dwelling	F	F	F
Two family semi-attached dwelling	F	F	F
<u>Restaurant Uses</u>			
Drive-in restaurant	F	F	F
Restaurant	F	C	F
Take-out restaurant			
Small <sup>5</sup>	F	F	F
Large <sup>5</sup>	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Retail Uses</u> <sup>6</sup>			
Adult bookstore	F	F	F
Bakery	F	A	F
General retail business <sup>7</sup>	F	F	F
Liquor store	F	F	F
Local retail business	F	A	F
Outdoor sale of garden supplies	F	C	F
<u>Service Uses</u> <sup>6</sup>			
Animal hospital	F	F	F
Barber or beauty shop	F	A	F
Caterer's establishment	F	A	F
Container redemption center <sup>8</sup>	F	F	F
Dry-cleaning shop	F	C	F
Kennel	F	F	F
Laundry, retail service	F	A	F
Laundry, self-service	F	C	F
Photocopying establishment	F	C	F
Shoe repair	F	A	F
Tailor shop	F	A	F



TABLE A - Continued

Storage Uses, Major	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
Enclosed storage of solid fuel or minerals	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F
Outdoor storage of new materials	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F
Outdoor storage of junk and scrap	F	F	F
Storage of flammable liquids and gases			
Small <sup>9</sup>	F	F	F
Large <sup>9</sup>	F	F	F
Storage or transfer of toxic waste	F	F	F
Warehousing	F	F	F
Wrecking yard	F	F	F
Trade Uses <sup>6</sup>			
Carpenters shop	F	A	F
Electrician's shop	F	A	F
Machine shop	F	F	F
Photographer's studio	F	A	F
Plumber's shop	F	A	F
Radio/television repair	F	A	F
Upholsterer's shop	F	A	F
Welder's shop	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Transportation Uses</u>			
Airport	F	F	F
Bus terminal	F	F	F
Garage with dispatch	F	F	F
Helicopter landing facility	F	F	F
Motor freight terminal	F	F	F
Rail freight terminal	F	F	F
Railroad passenger station	F	F	F
Water terminal	F	F	F
<u>Vehicular Uses</u>			
Airport-related remote parking facility	F	F	F
Bus servicing or storage	F	F	F
Carwash <sup>10</sup>	F	F	F
Gasoline station <sup>10</sup>	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F
Indoor sale of automobiles and trucks	F	F	F
Outdoor sale of new and used vehicles	F	F	F
Parking garage	F	F	F
Parking lot	F	F	F
Rental agency for cars	F	F	F
Rental agency for trucks	F	F	F



TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Vehicular Uses (cont'd)</u>			
Repair garage <sup>10</sup>	F	F	F
Truck servicing or storage	F	F	F
<u>Wholesale Uses</u>			
Wholesale business	F	F	F
<u>Accessory and Ancillary Uses</u>			

In each subdistrict of the Audubon Circle Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines  
(not more than four) in commercial  
or non-commercial establishment

F	F	F
F	F	F
F	F	F
F	F	F
F	C	F
F	C	F
F <sup>15</sup>	F <sup>15</sup>	F <sup>15</sup>
F	F	F

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

Accessory cultural uses

Accessory dormitory

Accessory drive-through restaurant

TABLE A - Continued

	Multifamily Residential (MFR)	Local Convenience Subdistrict	
		Bsmt. & First Floor	Second Story & Above
<u>Accessory and Ancillary Uses (cont'd)</u>			
Accessory drive-through retail	F	F	F
Accessory family day care home	C	F	F
Accessory home occupation	A	C	C
Accessory industrial use	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F
Accessory keeping of laboratory animals <sup>3</sup>	F	F	F
Accessory machine shop	F	F	F
Accessory manufacture of products	F	F	F
Accessory offices	F	A	A
Accessory outdoor cafe <sup>11</sup>	F	C	F
Accessory parking	A <sup>14</sup>	A <sup>14</sup>	F
Accessory personnel quarters	C	C	C
Accessory professional office in a dwelling	A	A	A
Accessory railroad storage yard	F	F	F
Accessory recycling	F	F	F
Accessory repair garage	F	F	F
Accessory retail	F	A	C
Accessory service uses	F	C	F
Accessory services for apartment and hotel residents	F	C	C



TABLE A - Continued

	Local Convenience Subdistrict	
	Bsmt. & First Floor	Second Story & Above
Multifamily Residential (MFR)		
Accessory and Ancillary Uses (cont'd)		
Accessory services incidental to educational uses other than college or university use	F	F
Accessory storage of flammable liquids and gases		
Small <sup>9</sup>	F	F
Large <sup>9</sup>	F	F
Accessory storage or transfer of toxic waste	F	F
Accessory swimming pool or tennis court <sup>12</sup>	C	C
Accessory trade uses	F	F
Accessory truck servicing or storage	F	F
Accessory wholesale business	F	F
Ancillary use <sup>13</sup>	C	C

1. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s. 2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained.

TABLE A - Continued

2. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
3. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Provided that Dwelling Units shall be forbidden in Basements.
5. Small: total gross floor area not more than 2,500 square feet per restaurant. Large: total gross floor area exceeding 2,500 square feet per restaurant.
6. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
7. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it: (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.
8. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, or Open Space District or Subdistrict.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.



TABLE A - Continued

11. Except conditional in a Rear Yard abutting a Residential Subdistrict.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
14. Except conditional when accessory to certain nonresidential uses, as provided in a Restricted Parking District; see Section 3-1A.C.
15. Except conditional north of the centerline of Beacon Street.
16. Provided that dormitory subuse is conditional north of the centerline of Beacon Street.





TABLE B

## Audubon Circle Neighborhood District

Dimensional Regulations  
Residential Subdistricts

	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height <sup>1</sup> Maximum Stories	Usable Open Space <sup>2</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard <sup>3</sup> Minimum Depth (Feet)	Side Yard Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Access. Buildings (Percent)
<u>Multifamily Residential</u>											
<u>MFR</u>											
1, 2, or 3 Family Detached	2,000 for 1 or 2 units	1,000	15	15	2.0	3	300	6	none	25	25
Semi-attached Dwelling, Row House Building or Town House Building	1,000 for 1 unit	1,000 for 1 unit	15	15	2.0	3	300	6	none	25	25
Any other Dwelling or Use	2,000 for first 2 units	1,000	15	15	2.0	3	200	6	none	25	25

TABLE B - Continued

Footnotes

1. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.
2. Applicable only to Residential Uses and Dormitory/Fraternity Uses.
3. See Section 61-25.1 (Conformity with Existing Building Alignment). A bay window may protrude into a Front Yard.



TABLE C

**Audubon Circle Neighborhood District**  
**Dimensional Regulations**  
**Neighborhood Business Subdistrict**

	<u>Local Convenience Subdistrict</u>
Maximum Floor Area Ratio	2.0
Maximum Building Height (ft.)	45
Minimum Lot Size (sq.ft.)	none
Minimum Lot Area per Dwelling Unit (sq.ft.)	none
Minimum Usable Open Space per Dwelling Unit (sq.ft.) (1)	50
Minimum Lot Width (ft.)	none
Minimum Lot Frontage (ft.)	none
Minimum Front Yard (ft.) (2)	none
Minimum Side Yard (ft.)	none
Minimum Rear Yard (ft.) (3)	25

**Footnotes:**

1. All or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.  
  
In a Neighborhood Business Subdistrict, every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.
3. In a Neighborhood Business Subdistrict, every rear yard required by this Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.



TABLE D

**Audubon Circle Neighborhood District  
Off-Street Parking Requirements(1)**

**Residential and Related Uses**

	<u>Off-Street Parking Requirement (spaces per dwelling unit)(2)</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	
Bed and Breakfast	0.7
Conference Center	0.7
Executive Suites	0.7
Hotel	0.7
Motel	1.0
<u>Residential Uses</u>	
Elderly Housing	0.2
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses(3)	
1-3 units	1.0
4-9 units	1.25
10+ units	1.5

1. The provisions of this Table D do not apply to Proposed Projects that are subject to Large Project Review. See Section 61-24 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
  - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
  - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.
3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.





TABLE E

**Audubon Circle Neighborhood District  
Off-Street Loading Requirements(1)**

<u>Gross Floor Area</u>	<u>Required Off-Street Loading Bays</u>
0-15,000 square feet	0
15,001-49,000 square feet	1.0

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 61-24 (Off-Street Parking and Loading Requirements).





G. L. Means  
Chairman

Robert Jordan  
Vice Chairman

John Bean

Arthur Parker

John M. McGrath

James C. Clark

Walter Seigle

Ralph Cooper

In Zoning Commission

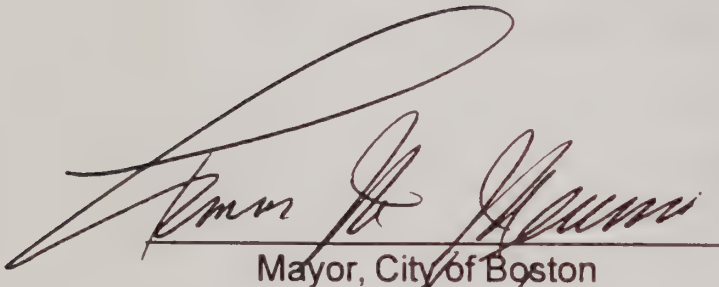
Adopted March 25, 1998

Attest:

Jerry M. Hampton  
Secretary

Text Amendment Application No. 284

Text Amendment No. 249



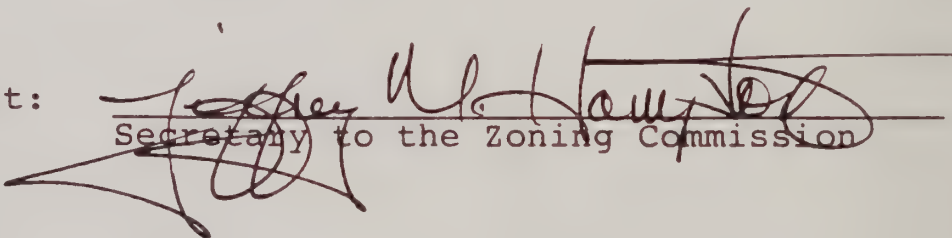
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Mayor, City of Boston

Date: 4/2/98

---

The foregoing amendment was presented to the Mayor on March 30, 1998, and was signed by him on April 2, 1998, whereupon it became effective on April 2, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956.

Attest:



\_\_\_\_\_  
Secretary to the Zoning Commission



Text Amendment Application No. 285  
Resident at 6 Humboldt Place,  
South Boston  
Minimum Lot Frontage and Access

TEXT AMENDMENT NO. 250  
THE COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON  
IN ZONING COMMISSION

\*Effective:  
April 2, 1998

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

1. By amending Article 13 (Dimensional Requirements) as follows:

a. In Section 13-4 (Dwellings in Nonresidential Districts)

(i) Insert the following words and comma:

lot width,

after the following words and comma:

lot area,

in each instance where they appear.

(ii) After the semicolon (;), replace the following text:

provided, however, that any dwelling in a B-8 or B-10 district shall conform to the lot area, usable open space and yard requirements for the least restricted residence district.

with the following text:

, or, in the case of any dwelling in a B-8 or B-10 district, to the lot area, lot width, usable open space and yard requirements for the least restricted residence district; provided, however, that if the nearest S, R or H district, or the least restricted residence district, does not specify a minimum lot width, any such dwelling shall have a minimum street frontage of not less than 50 feet.

---

From Section 5-4 of the Boston Zoning Code as amended September 17, 1990: "The estimated average cost to the city of a hearing before the Zoning Commission on a proposed amendment of this code is hereby established as two hundred and seventy-five dollars."

\* Date of public notice: February 20, 1998 (see St. 1956, c. 665, s. 5)

2. By amending Article 14 (Lot Size, Area and Width), as follows:

a. In Section 14-4 (Lot Frontage):

- (i) In the first sentence thereof, replace the following words and punctuation immediately preceding paragraph (a):

, except as follows:

with a final period (.) .

- (ii) Delete paragraphs (a) and (b), in their entirety.

- (iii) After the first sentence of said Section 14-4, insert the following text:

Where a lot is located to the rear of another lot or lots, there shall be an unobstructed access from a street to the rear lot over land that is not part of any other lot. The width of such access shall be not less than the lot frontage required by this code for the rear lot.

b. In Section 14-5 (Building on Rear of a Lot):

- (i) In paragraph (a), replace the following words:

five feet

with the following words:

the minimum lot width specified in this code, or 50 feet, whichever is greater

- (ii) At the end of paragraph (a), insert the following sentence:

The access required by this paragraph (a) shall not be located within any side yard required by this code for the front building and shall not be included in meeting the lot area requirements of this code for either building.

- (iii) Delete paragraph (b), in its entirety.



*R. L. Man*

Chairman

*Robert Funder*

Vice Chairman

*Joan M. McSpadden*

*William S. Funder*

*John Bean*

*James C. Clark*

*Stephen B. Funder*

*Ralph Cooper*

In Zoning Commission

Adopted March 25, 1998

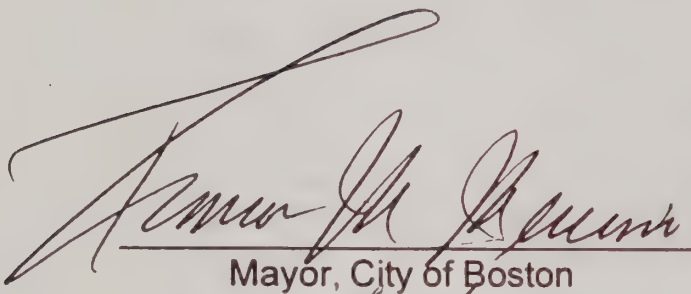
Attest:

*Jeffrey M. Hampton*

Secretary

Text Amendment Application No. 285


Text Amendment No. 250

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 4/2/98

---

The foregoing amendment was presented to the Mayor on March 30, 1998, and was signed by him on April 2, 1998, whereupon it became effective on April 2, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956.

Attest:   
\_\_\_\_\_  
Secretary to the Zoning Commission



Text Amendment Application No. 286  
Boston Redevelopment Authority  
Downtown Interim Planning Overlay  
District: Extension of Time

TEXT AMENDMENT NO. 251

\*Effective:  
April 2, 1998

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

By extending to March 24, 1999, the period of time that Article 27D, governing the Downtown Interim Planning Overlay District, remains in effect; said period of time having been previously extended to March 24, 1997, by Text Amendments No. 144, No. 158, No. 178, No. 207, No. 218, No. 223, and No. 241 and previously under the provisions of Section 27-2.3 as amended by Text Amendments No. 115 and No. 125.

This extension affects the remaining area of the Downtown Interim Planning Overlay District. The remaining area of said overlay district excludes from the original area of the district, as established by Map Amendment No. 211 and Text Amendment No. 98, the areas of the following subsequently adopted districts: Midtown Cultural District, North Station Economic Development Area, South Station Economic Development Area/Leather District, Huntington Avenue/Prudential Center District, Chinatown District, Government Center/Markets District, Bulfinch Triangle District, and Cambridge Street North District as the areas of those districts are shown, respectively, on Maps 1A, 1B, 1C, 1D, 1G, 1H, 1J, and 1K of the series of maps entitled "Zoning Districts City of Boston."

R. R. Kean

Chairman

Robert Jordan

Vice Chairman

Jean M. McGrath  
William S. Tamm

John Belan

James H.

Ralph Coy

In Zoning Commission

Adopted March 25, 1998

Attest:

Jeffrey M. Hampton

Secretary



Text Amendment Application No. 286

Text Amendment No. 251

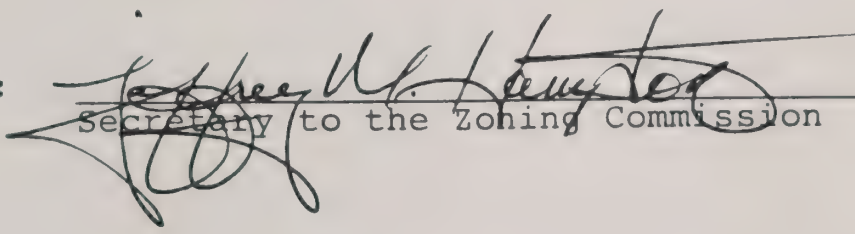
  
\_\_\_\_\_  
Mayor, City of Boston

Date: 4/2/98

---

The foregoing amendment was presented to the Mayor on March 30, 1998, and was signed by him on April 2, 1998, whereupon it became effective on April 2, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission





Text Amendment Application No. 289  
Boston Redevelopment Authority  
Dorchester Avenue Neighborhood  
District  
Dimensional Regulations

TEXT AMENDMENT NO. 252

\*Effective:  
July 30, 199

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

By amending **Article 52, Dorchester Avenue Neighborhood District**, in the manner described below.

1. In Table C - Residential Subdistricts Dimensional Regulations, in the Triple-Decker Residential Subdistrict, inserting the use categories "any other dwelling or use" and the dimensional regulations for the above mentioned categories as shown on Appendix A of this amendment.

APPENDIX A - DORCHESTER AVENUE NEIGHBORHOOD DISTRICT (ARTICLE 52)  
TRIPLE-DECKER RESIDENTIAL SUBDISTRICTS

	Lot Area Minimum for Dwell. Unit(s) Specified (Sq. Ft.)	Additional Lot Area for Ea. Additi'l Dwell. Unit (Sq. Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height Maximum Stories	Feet	Usable Open Space Minimum Sq. Ft. Per Dwelling Unit	Front Yard Minimum Depth (Feet)	Side Yard Minimum Depth (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
<b><u>3F-D-3000</u></b>												
Any other Dwelling or Use	3,000 for 1 or 2 units	1,500	30	30	1.3	3	40	300	5	5	15	20
<b><u>3F-D-4000</u></b>												
Any other Dwelling or Use	4,000 for 1 or 2 units	2,000	40	40	1.3	3	40	300	7	5	30	20

Text Amendment Application No. 289

Text Amendment No. 252

A. L. Men  
Chairman

Robert Jordan  
Vice Chairman

John Bean  
William Tachro  
James C. Clark  
Maureen Regie  
Paul W.

In Zoning Commission

Adopted July 22, 1998

Attest:

[Signature]  
Secretary





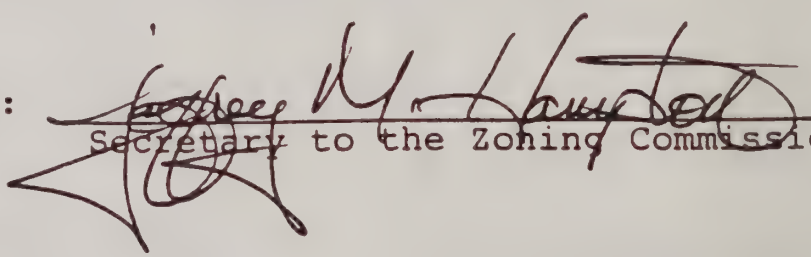
Mayor, City of Boston

Date: \_\_\_\_\_

7/30/98

The foregoing amendment was presented to the Mayor on July 28, 1998, and was signed by him on July 30, 1998, whereupon it became effective on July 30, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest: \_\_\_\_\_

  
Secretary to the Zoning Commission

TEXT AMENDMENT NO. 253

Effective:  
Sept. 28, 1998

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

By inserting the following article:

ARTICLE 62

CHARLESTOWN NEIGHBORHOOD DISTRICT

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\* Date of public notice: August 28, 1998 (see St. 1956, c. 665, s. 5)

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**SECTION 62-1. Statement of Purpose and Objectives.** The purpose of this Article is to establish the zoning regulations for the Charlestown Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and direct growth to areas where it can be accommodated; to retain and develop affordable housing compatible with adjacent areas, particularly for elderly residents; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

**SECTION 62-2. Physical Boundaries.** The provisions of this Article are applicable only in the Charlestown Neighborhood District. The boundaries of the Charlestown Neighborhood District and its subdistricts are as shown on the map numbered 2E and entitled "Charlestown Neighborhood District" (replacing "Map 2 Charlestown"), of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 62-3. Applicability.** This Article together with the rest of this Code constitutes the zoning regulation for the Charlestown Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Charlestown Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

**SECTION 62-4. Prohibition of Planned Development Areas.** Within the Charlestown Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 62-20.

**SECTION 62-5. Community Participation.** This Article has been developed with the extensive participation of the Charlestown Neighborhood Council, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the Charlestown Neighborhood Council, or its successor organization, and the Charlestown civic associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for Charlestown.



## REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

**SECTION 62-6. Establishment of Residential Subdistricts.** This Section 62-6 establishes Residential Subdistricts within the Charlestown Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Two-Family Residential ("2F") Subdistricts. The Two-Family Residential ("2F") Subdistricts are established to preserve, maintain and promote two-family neighborhoods, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 2F Subdistrict, the maximum number of Dwelling Units allowed in a single Building is two (2).
2. Three-Family Residential ("3F") Subdistricts. The Three-Family Residential ("3F") Subdistricts are established to preserve low density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as-of-right. In a 3F Subdistrict, the maximum number of Dwelling Units allowed in a single structure, or in any combination of semi-attached or attached structures (including semi-attached Dwellings, Town Houses, and Row Houses) is three (3).
3. Row House Residential ("RH") Subdistricts. The Row House Residential ("RH") Subdistricts are established to preserve, maintain, and promote the existing fabric of row house neighborhoods by allowing row houses as the sole housing type.
4. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage low to medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

## **SECTION 62-7. Use Regulations Applicable in Residential Subdistricts.**

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.



2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the Charlestown Neighborhood District.

**SECTION 62-8. Dimensional Regulations Applicable in Residential Subdistricts.**

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.
2. Lot Frontage. Within the Two-Family Residential ("2F") Subdistricts, Three-Family Residential ("3F") Subdistricts, and Row House (RH) Subdistricts, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table C of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

## REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

**SECTION 62-9. Establishment of Community Facilities Subdistricts.** This Section 62-9 establishes Community Facilities ("CF") Subdistricts within the Charlestown Neighborhood District. The purpose of the Community Facilities Subdistricts is to encourage the development and expansion of important community-based facilities in the Charlestown Neighborhood District that provide educational, health, and cultural services to the community and are an important part of the fabric of the Charlestown community.

The following Community Facilities Subdistrict is established:

1. Bunker Hill Community Facilities (CF) Subdistrict

**SECTION 62-10. Use Regulations Applicable in Community Facilities Subdistricts.** Within a Community Facilities Subdistrict, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Community Facilities Subdistrict.

**SECTION 62-11. Dimensional Regulations Applicable in Community Facilities Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Community Facilities Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table D of this Article.



## REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

**SECTION 62-12. Establishment of Neighborhood Business Subdistricts.** This Section 62-12 establishes Neighborhood Business Subdistricts within the Charlestown Neighborhood District. There are two types of Neighborhood Business Subdistricts: Local Convenience ("LC") Subdistricts, providing convenience goods and services for the neighborhood and pedestrians; and Neighborhood Shopping ("NS") Subdistricts, providing convenience goods and services to the larger neighborhood. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Charlestown community.

The following Neighborhood Business Subdistricts are established:

1. Bunker Hill Street Local Convenience (LC) Subdistrict
2. Cambridge Street Local Convenience (LC) Subdistrict
3. Caldwell Street Local Convenience (LC) Subdistrict
4. Main Street Neighborhood Shopping (NS) Subdistrict
5. Baldwin Street Neighborhood Shopping (NS) Subdistrict
6. Mishawum Street Neighborhood Shopping (NS) Subdistrict
7. Rutherford Avenue Neighborhood Shopping (NS) Subdistrict

**SECTION 62-13. Use Regulations Applicable in Neighborhood Business Subdistricts.** Within the Neighborhood Business Subdistricts, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

**SECTION 62-14. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot-Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.



## REGULATIONS APPLICABLE IN OPEN SPACE DISTRICTS AND SUBDISTRICTS

### SECTION 62-15. **Establishment of Open Space Districts and Subdistricts.**

This Section 62-15 establishes Open Space ("OS") Districts and Subdistricts in the Charlestown Neighborhood District. The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for Charlestown's residents by protecting open space resources. Any Lot within any Open Space District or Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Districts and Subdistricts designated in the Charlestown Neighborhood District are listed in Table 1 of this Section 62-15 and are of the following types:

1. Cemetery Open Space (OS-CM) Subdistrict Cemetery Open Space Subdistricts are designated for interment uses, and are subject to provisions of Section 33-14.
2. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts shall consist of land appropriate for the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity, and are subject to the provisions of Section 33-8.
3. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof. Recreation Open Space Subdistricts are subject to the provisions of Section 33-10.
5. Urban Plaza Open Spaces (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses; and are subject to the provisions of Section 33-15.

TABLE 1

#### **Open Space Districts and Subdistricts in the Charlestown Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Cemetery	St. Francis de Sales Cemetery Bunker Hill Burying Ground Phipps Street Burying Ground

Community Garden	Main Street Community Garden
Parkland	Winthrop Square/Training Field Bunker Hill Monument
Recreation	Doherty Playground Cook Street Play Area Edwards Playground Harvard Mall MDC Skating Rink Rutherford Avenue Play Area Caldwell Street Play Area Hunter Street Play Area
Urban Plaza	Mt. Vernon Square Hayes Square Thompson Square



## REGULATIONS APPLICABLE IN LOCAL INDUSTRIAL SUBDISTRICTS

**SECTION 62-16. Establishment of Local Industrial Subdistricts.** This Section 62-16 establishes Local Industrial ("LI") Subdistricts within the Charlestown Neighborhood District. The purpose of Local Industrial Subdistricts is to encourage the preservation of the existing manufacturing and industrial base in a manner that is sensitive to and preserves the quality of life of the surrounding neighborhoods, and to encourage the development of new job opportunities within the Charlestown Neighborhood District.

The following Local Industrial Subdistricts are established:

1. Mishawum Local Industrial (LI) Subdistrict
2. New Rutherford Avenue Local Industrial (LI) Subdistrict
3. Maffa Way Local Industrial (LI) Subdistrict

**SECTION 62-17. Use Regulations Applicable in Local Industrial Subdistricts.** Within the Local Industrial Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Local Industrial Subdistricts.

**SECTION 62-18. Dimensional Regulations Applicable in Local Industrial Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Local Industrial Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.



## REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

**SECTION 62-19. Establishment of Neighborhood Design Overlay Districts.** This Section 62-19 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the Charlestown Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts.

For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay Districts are established:

1. Town Hill Neighborhood Design Overlay District. Town Hill's curvilinear street pattern dates to engineer Thomas Grave's 1629 settlement plan. The Hill is notable for its unified streetscape of c. 1860 Italianate/Mansard masonry row houses. The Warren Street area contains the largest concentration of Late Georgian/Federal frame structures in Boston. In addition to its outstanding collection of 19th century residential architecture, this area includes: the c. 1915 Municipal Building at City Square; the Austin Block; and St. John's Episcopal Church.
2. The Monument Square Neighborhood Design Overlay District. The Bunker Hill Monument Association's 1839 subdivision of property surrounding the hallowed Revolutionary War battlefield represents Charlestown's most ambitious urban planning initiative. Monument Square's restrictive deed covenants ensured the construction of mansion-scale masonry row houses. These 50 lots were developed by individual property owners over a forty year period and thus demonstrate a variety of architectural styles ranging from Greek Revival to High Victorian Gothic.
3. Breed's Hill Neighborhood Design Overlay District. Breed's Hill is a dense urban neighborhood, architecturally significant for its well-preserved mid-19th century masonry row houses and its outstanding collection of Late-Georgian, Federal, and Greek Revival frame dwellings. A remarkable number of high-style and common examples of Federal and Greek Revival dwellings survive near the Training Field and along the southern slope of Breed's Hill. The area is further distinguished by its high style masonry row houses lining Monument Avenue, Adams, Chestnut, Mount Vernon, and High Streets. These speculative rows provide a glimpse of Charlestown at the height of its powers as an independent municipality, the period between city incorporation (1847) and annexation to Boston (1874). Breed's Hill also includes the Old Training Field School, Charlestown's oldest extant school house; and Saint Mary's Roman Catholic Church, School and Parish Hall.
4. Union Street Neighborhood Design Overlay District. The residential development of the Union/Washington Streets area is associated with the speculative development of Captain Archibald McNeil. From 1804 to 1815,



McNeil subdivided his property into house lots, purchased and developed by some of Charlestown's most prominent families. An important remnant from the Charlestown Wharf Company development survives at 74-86 Washington Street. Additionally noteworthy is the row of bow-fronted townhouses at 35, 37, and 39 Union Street (c. 1850) and the rare Federal era brick-ender at 30 Union Street, attributed to Asher Benjamin (1815).

5. Salem Hill/Bunker Hill East Neighborhood Design Overlay District.

Straddling the hilly terrain between Bunker and Breed's Hills, Salem Hill's development history reflects three distinct phases: 1) a Federal village at Salem Hill; 2) an 1840s development in the "Hollow;" and 3) a dense layer of speculative row house development dating from the third quarter of the 19th century. A node of free-standing Federal houses, representing brick, brick-ender, and frame construction, survive in the Salem Street vicinity; most are associated with builders Oliver Holden and Thomas Osgood. The Hollow's mid-1840 development is linked to the closing of the Middlesex Canal, when the company's lands (most owned by the Sullivan family) were subdivided for house lots. The Hollow is characterized by paired Greek Revival houses and later Italianate frame rows. The housing stock of the upland areas – specifically Elm, School, Mystic, Pearl, and Allston Streets – dates between 1840 and 1870. Reflecting the work of speculative developers, these streets are lined with brick and frame, flat-facade, side-passage row houses.

6. Bunker Hill West/Middlesex Canal Neighborhood Design Overlay District.

This area represents the final chapter in Charlestown's westward progression of 19th century speculative development. Frame and masonry, side-passage row houses from the post-Civil War era predominate; most display Italianate ornament. By the mid-1840s, the Middlesex Canal Company began selling off canal-associated lands. In 1844 Essex Street was set out and developed with frame and masonry row houses. The subdivision of estates lining Bunker Hill's southern slope began in the 1830s, with free-standing Greek Revival houses constructed on Oak, Eden, Mead, and Russell. Charlestown's dramatic population growth, tripling in size from 1830 to 1870s, shifted construction from free-standing residences to speculative row houses. Outstanding examples of late-Greek Revival and Italianate brick rows line Baldwin, Auburn, and Bunker Hill streets.

REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

**SECTION 62-20. Establishment of Areas Within Which Planned Development Areas May be Permitted.** Planned Development Area ("PDAs"), as described in Section 3-1A.a, are permitted within the Local Industrial Subdistricts. PDAs are not permitted elsewhere in the Charlestown Neighborhood District.

The purposes of establishing the areas specified above as ones within which a PDA may be permitted are to provide for a more flexible zoning law; to provide public benefits to the Charlestown community, including the creation of new job opportunities; to allow for the diversification and expansion of Boston's and Charlestown's economy through manufacturing, commercial, and scientific research and development uses; and to ensure quality urban design by providing planning and design controls.

**SECTION 62-21. Planned Development Areas: Use and Dimensional Regulations.**

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height, Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:

TABLE 2

**Charlestown Neighborhood District  
Planned Development Areas  
Maximum Building Heights, and Floor Area Ratios**

<u>Area</u>	<u>Maximum Building Height</u>	<u>FAR</u>
Local Industrial Subdistricts	55'	2.0

**SECTION 62-22. Planned Development Area Review Requirement.** See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

**SECTION 62-23. Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including one or



more of the following: (a) diversification and expansion of Charlestown's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) improvements to the urban design characteristics and aesthetic character of the development site and its surroundings and the enhancement of existing open space or the creation of new open space.

## REGULATIONS GOVERNING DESIGN

### SECTION 62-24. Design Review and Design Guidelines.

1. Applicability of Design Review. To ensure that growth in the Charlestown Neighborhood District is compatible with the character of the buildings and urban design features of the neighborhood, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review).

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2.1 (Applicability of Small Project Review: Design Component).

2. Design Guidelines. This Section 62-24.2 establishes the following design guidelines for the Charlestown Neighborhood District.
  - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
  - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
  - (c) Parking, storage, and disposal areas, and the entrance to accessory parking within a main building, should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
  - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.
  - (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
  - (f) For industrial buildings, siting and design of new construction and rehabilitation of existing buildings should be compatible with pedestrian activity. Where the provision of windows in the Street Wall is impracticable, articulation of the Street Wall by other means is encouraged. Where a Front Yard is required between the sidewalk



edge and the Street Wall, such Front Yard should include an adequate landscaped buffer.

- (g) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (h) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (i) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (j) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (k) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building design. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (l) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial architecture. Street Wall continuity should be maintained.
- (m) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (n) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used



for human occupancy, such as headhouses and mechanical equipment.

- (o) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (p) Landscaping and screening should be used to make the business and industrial subdistricts more attractive, and to provide screening between business, industrial, and residential uses.
- (q) If a security grate is to be used on a building, it should be a grille rather than a roll-up steel door. Such security grate should be mounted inside rather than outside the building, if practicable, and if it must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner. Security grates should be integrated into the design of the facade.
- (r) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

**SECTION 62-25. Roof Structure Restrictions.** In the Charlestown Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefore.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.



Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

**SECTION 62-26. Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 62-26 shall apply to Proposed Projects within those subdistricts specified in this Section 62-26, except to the extent that provisions for Street Walls and Display Windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 62-26.

1. Street Wall Continuity in Neighborhood Business Subdistricts. This Section 62-26.1 shall apply within the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 62-26.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 62-26.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with Large Project Review or Small Project Review, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston



Redevelopment Authority in accordance with the Urban Design Component of Large Project Review or the Design Component of Small Project Review.

2. Display Window Area Regulations in Neighborhood Business Subdistricts. This Section 62-26.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 62-26.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.
  - (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 62-26.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
    - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
    - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
    - (iii) For Vehicular Uses involving the servicing or washing of vehicles, and for Industrial Uses, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
  - (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.



- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 62-26.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

**SECTION 62-27. Screening and Buffering Requirements.** In order to enhance the appearance of the Charlestown Neighborhood District and to ensure that its commercial, industrial, and community facilities subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 62-27 shall apply to those Proposed Projects described in this Section 62-27, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 62-27.

1. Screening and Buffering Along Property Lines Abutting Public Streets, Public Parks, and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in a Neighborhood Business Subdistrict, or Community Facilities Subdistrict abuts (a) a public park, or (b) a Residential Subdistrict or Residential Use, and where any Lot line of a Proposed Project located in a Local Industrial Subdistrict abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) a Neighborhood Business Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such street, park, subdistrict or use, a strip of shrubs and trees densely planted along the inside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the inside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.

The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public street or public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Neighborhood Business Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 62-27.2. Such screening



shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) in the case of a Lot located in a Local Industrial Subdistrict, a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 62-27.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a Lot where screening is required along Lot lines pursuant to Section 62-27.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link, or stockade or board-type wood. The use of chain link fencing is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 62-27 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 62-27 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs



should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.

7. Maintenance of Landscaped Areas. Landscaping required by this Section 62-27 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 62-27.

## MISCELLANEOUS PROVISIONS

SECTION 62-28. **Sign Regulations.** The provisions of this Section 62-28 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Residential Subdistricts, and Open Space Subdistricts. In all Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other Than Residential and Open Space Subdistricts. In all subdistricts other than Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 62-28. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
  - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
  - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.
  - (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in



excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.

- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the Charlestown Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**SECTION 62-29. Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to or has elected to comply with Large Project Review, any required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces, if any, are as set forth in Table E, and the minimum required off-street loading spaces are as set forth in Table F.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
  - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front



Yard, except as specifically provided in this Section 62-29. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) Feet.

- (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 62-29 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot.
  - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.
5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
- (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
  - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
  - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.



- (d) Each car space shall be located entirely on the Lot. Fifteen percent (15%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
- 6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

#### SECTION 62-30. **Application of Dimensional Requirements.**

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 62-30. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side



Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.

6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than five (5) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
7. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than seventy-five (75) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the



requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 62-30.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 62-30.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

**SECTION 62-31. Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

**SECTION 62-32. Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

**SECTION 62-33. Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

**SECTION 62-34. Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

**SECTION 62-35. Tables.** The following tables are hereby made part of this Article:

Tables A - B      Use Regulations

- A      - Residential Subdistricts  
         Community Facilities Subdistricts
- B      - Neighborhood Business Subdistricts  
         Local Industrial Subdistricts

Tables C - D      Dimensional Regulations

- C      - Residential Subdistricts
- D      - Community Facilities Subdistricts  
         Neighborhood Business Subdistricts

## Local Industrial Subdistricts

### Tables E - F     Parking and Loading Regulations

E     - Off-Street Parking

F     - Off-Street Loading



TABLE A

**Charlestown Neighborhood District  
Use Regulations  
Residential Subdistricts and Community Facilities Subdistricts**

Key: A=Allowed, C=Conditional, F=Forbidden

For definitions of use categories and certain specific uses, see Article 2A.

	<u>Two- Family (2F)</u>	<u>Three- Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
<u>Banking and Postal Uses</u>					
Automatic teller machine					
Bank	F	F	F	F	A
Drive-in bank	F	F	F	F	C
Post office	F	F	F	F	F
					A
<u>Community Uses</u>					
Adult education center	F	F	F	F	A
Community center	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>	A
Day care center	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>	A
Day care center, elderly	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>	C <sup>(1)</sup>	A
Library	A	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A	A

TABLE A - Continued

	<u>Two-Family (2F)</u>	<u>Three-Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
<u>Cultural Uses</u>					
Art gallery	F	F	F	F	A
Art use	F	F	F	F	A
Auditorium	F	F	F	F	C
Cinema	F	F	F	F	F
Concert hall	F	F	F	F	C
Museum	F	F	F	F	A
Public art, display space	F	F	F	F	C
Studios, arts	F	F	F	F	C
Studios, production	F	F	F	F	C
Theatre	F	F	F	F	C
Ticket sales	F	F	F	F	F
<u>Dormitory and Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	F
Fraternity	F	F	F	F	F
<u>Educational Uses</u>					
College or university	F	F	F	F	A
Elementary or secondary school <sup>(2)</sup>	A	A	A	A	A
Kindergarten	A	A	A	A	C
Professional school	F	F	F	F	A
Trade school	F	F	F	F	A



	Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
<u>Entertainment and Recreational Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	F	F
Bar	F	F	F	F	F
Bar with live entertainment	F	F	F	F	F
Bowling alley	F	F	F	F	F
Billiard parlor	F	F	F	F	F
Dance hall	F	F	F	F	F
Drive-in theatre	F	F	F	F	F
Fitness center or gymnasium	F	F	F	F	A
Private club not serving alcohol	F	F	F	F	F
Private club serving alcohol	F	F	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	F	F	F
<u>Funerary Uses</u>					
Cemetery	F	F	F	F	A
Columbarium	F	F	F	F	F
Crematory	F	F	F	F	F
Funeral home	F	F	F	C <sup>(1)</sup>	F
Mortuary chapel	F	F	C	C <sup>(1)</sup>	A

TABLE A - Continued

	<u>Two- Family (2F)</u>	<u>Three- Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
<u>Health Care Uses</u>					
Clinic	F	F	F	F	F
Clinical laboratory	F	F	F	F	F
Custodial care facility	F	F	F	F	C
Group care residence, general	F	F	F	C	F
Hospital	F	F	F	F	F
Nursing or convalescent home	F	F	F	C	C
<u>Hotel and Conference Center Uses</u>					
Bed and breakfast	A	A	A	C	C
Conference center	F	F	F	F	C
Executive suites	F	F	F	F	F
Hotel	F	F	F	F	F
Motel	F	F	F	F	F
<u>Industrial Uses</u>					
Artists' mixed-use	C	C	C	C	F
Cleaning plant	F	F	F	F	F
General manufacturing use	F	F	F	F	F
Light manufacturing use	F	F	F	F	F
Printing plant	F	F	F	F	F
Restricted industrial use	F	F	F	F	F



TABLE A - Continued

	Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
<u>Office Uses</u>					
Agency or professional office	F	F	F	F	A
General office	F	F	F	F	C
Office of wholesale business	F	F	F	F	F
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	C	C	C	C	C
Open space	A	A	A	A	A
Open space recreational building	C	C	C	C	A
Outdoor place of recreation					
for profit	F	F	F	F	C
Stadium	F	F	F	F	F
<u>Public Service Uses<sup>(2)</sup></u>					
Automatic telephone exchange	C	C	C	C	C
Courthouse	C	C	C	C	C
Fire station	A	A	A	A	A
Penal institution	F	F	F	F	F
Police station	C	C	C	C	A
Pumping station	C	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	F
Solid waste transfer station	F	F	F	F	F

TABLE A - Continued

<u>Public Service Uses<sup>(2)</sup> (cont'd)</u>	<u>Two-Family (2F)</u>	<u>Three-Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
Sub-station	C	C	C	C	C
Telephone exchange	F	F	F	F	F
<u>Research and Development Uses<sup>(3)</sup></u>					
Research laboratory	F	F	F	F	C
Product development or prototype manufacturing	F	F	F	F	F
<u>Residential Uses<sup>(4)</sup></u>					
Congregate living complex	F	F	F	C	C
Elderly housing	F	F	F	A	A
Group residence, limited	A	A	A	A	A
Lodging house	F	F	F	F	C
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multi-family dwelling	F	F	F	A	A
One family detached dwelling	A	A	F	A	C
One family semi-attached dwelling	A	A	F	A	A
Orphanage	F	F	F	C	C
Rowhouse	A	A	A	A	A
Temporary dwelling structure	C	C	C	C	C
Three family detached dwelling	F	A	F	A	A
Townhouse	A	A	A	A	A



	Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
<u>Residential Uses<sup>(4)</sup> (cont'd)</u>					
Transitional housing or homeless shelter	C	C	C	C	C
Two family detached dwelling	A	A	F	A	A
Two family semi-attached dwelling	A	A	F	A	A
<u>Restaurant Uses</u>					
Drive-in restaurant	F	F	F	F	F
Restaurant	F	F	F	F	C
Take-out restaurant					
Small <sup>(5)</sup>	F	F	F	F	C
Large <sup>(5)</sup>	F	F	F	F	F
<u>Retail Uses</u>					
Adult bookstore	F	F	F	F	F
Bakery	F	F	F	F	F
General retail business	F	F	F	F	F
Liquor store	F	F	F	F	F
Local retail business	F	F	F	F	A
Outdoor sale of garden supplies	F	F	F	F	F
<u>Service Uses</u>					
Animal hospital	F	F	F	F	F
Barber or beauty shop	F	F	F	F	F

TABLE A - Continued

<u>Service Uses (cont'd)</u>	<u>Two-Family (2F)</u>	<u>Three-Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
Caterer's establishment	F	F	F	F	F
Check cashing business	F	F	F	F	F
Container redemption center	F	F	F	F	F
Dry-cleaning shop	F	F	F	F	F
Kennel	F	F	F	F	F
Laundry, retail service	F	F	F	F	F
Laundry, self-service	F	F	F	F	F
Photocopying establishment	F	F	F	F	F
Shoe repair	F	F	F	F	F
Tailor shop	F	F	F	F	F
<u>Storage Uses, Major</u>					
Enclosed storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of flammable liquids and gases					
Small <sup>(6)</sup>	F	F	F	F	F
Large <sup>(6)</sup>	F	F	F	F	F



TABLE A - Continued

	Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
<u>Storage Uses, Major (cont'd)</u>					
Storage or transfer of toxic waste	F	F	F	F	F
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	F	F
<u>Trade Uses</u>					
Carpenters shop	F	F	F	F	F
Electrician's shop	F	F	F	F	F
Machine shop	F	F	F	F	F
Photographer's studio	F	F	F	F	F
Plumber's shop	F	F	F	F	F
Radio/television repair	F	F	F	F	F
Upholsterer's shop	F	F	F	F	F
Welder's shop	F	F	F	F	F
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F
Garage with dispatch	F	F	F	F	F
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	F
Rail freight terminal	F	F	F	F	F
Railroad passenger station	F	F	F	F	F
Water terminal	F	F	F	F	F

TABLE A - Continued

<u>Vehicular Uses</u>	<u>Two-Family (2F)</u>	<u>Three-Family (3F)</u>	<u>Row House (RH)</u>	<u>Multifamily Residential (MFR)</u>	<u>Community Facilities (CF)</u>
Airport-related remote parking facility	F	F	F	F	F
Bus servicing or storage	F	F	F	F	F
Carwash	F	F	F	F	F
Gasoline station	F	F	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies					
Indoor sale of automobiles and trucks	F	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F	F
Parking garage	F	F	F	F	F
Parking lot	F	F	F	F	F
Rental agency for cars	F	F	F	F	F
Rental agency for trucks	F	F	F	F	F
Repair garage	F	F	F	F	F
Truck servicing or storage	F	F	F	F	F
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	F



Accessory manufacture of products

Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
F	F	F	F	F
A	A	A	A	A
F	F	F	F	A
F	F	F	F	A
F	F	F	F	A
F	F	F	F	A
F	F	F	F	A
F	F	F	F	F
F	F	F	F	F
F	F	F	F	C
C	C	C	C	A
A	A	A	A	F
F	F	F	F	
				F
				A
				A
				F

TABLE A - Continued

Accessory and Ancillary Uses (cont'd)	Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
Accessory offices	F	F	F	F	A
Accessory outdoor cafe	F	F	F	F	C
Accessory parking	A	A	A	A	A
Accessory personnel quarters	F	F	F	C	A
Accessory printing	F	F	F	F	C
Accessory professional office in a dwelling	A	A	A	A	A
Accessory railroad storage yard	F	F	F	F	F
Accessory recycling	F	F	F	F	F
Accessory repair garage	F	F	F	F	C
Accessory retail	F	F	F	F	A
Accessory service uses	F	F	F	F	A
Accessory services for apartment and hotel residents	F	F	F	C	A
Accessory services incidental to educational uses other than a college or university use	F	F	F	F	A
Accessory storage of flammable liquids and gases	F	F	F	F	C
Small <sup>(6)</sup>	F	F	F	F	F
Large <sup>(6)</sup>	F	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F	F
Accessory swimming pool or tennis court <sup>(6)</sup>	A	A	A	A	A
Accessory trade use	F	F	F	F	C



TABLE A - Continued

Two-Family (2F)	Three-Family (3F)	Row House (RH)	Multifamily Residential (MFR)	Community Facilities (CF)
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Accessory and Ancillary Uses (cont'd)

Accessory truck servicing or storage  
Accessory wholesale business  
Ancillary use<sup>(9)</sup>

F	F	F	F	C
F	F	F	F	F
C	C	C	C	C

1. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

3. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.

4. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.

5. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.

6. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

7. Provided that art classes as part of an accessory art use are conditional in a Residential Subdistrict.

TABLE A - Continued

8. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
9. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.



**Charlestown Neighborhood District  
Use Regulations  
Neighborhood Business Subdistricts and Local Industrial Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden  
For definition of use categories and certain specific uses, see Article 2A.

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Banking and Postal Uses</u>					
Automatic teller machine	C	F	A	F	C
Bank	C	C	A	A	C
Drive-in bank	F	F	F	F	C
Post office	C	A	A	A	A
<u>Community Uses</u>					
Adult education center	A	C	A	A	C
Community center	A	C	A	A	C
Day care center	A	C	A	A	C
Day care center, elderly	A	C	A	A	C
Library	A	C	A	A	C
Place of worship; monastery; convent; parish house	A	A	A	A	A

TABLE B - Continued

	Local Convenience		Neighborhood Shopping		Local Industrial
	Subdistricts		Subdistricts		
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	Subdistricts
<u>Cultural Uses</u>					
Art gallery	A	A	A	A	A
Art use	C	C	C	C	A
Auditorium	C	C	C	C	F
Cinema	F	F	C	F	F
Concert hall	F	F	C	C	F
Museum	C	C	A	A	C
Public art, display space	A	A	A	A	A
Studios, arts	A	A	A	A	A
Studios, production	F	F	C	C	F
Theatre	F	F	C	C	F
Ticket sales	F	F	C	C	C
<u>Dormitory and Fraternity Uses</u>					
Dormitory not accessory to a use	F	F	F	F	F
Fraternity	F	F	F	F	F
<u>Educational Uses</u>					
College or university	F	F	F	F	C
Elementary or secondary school	A	A	A	A	C
Kindergarten	A	A	A	A	C
Professional school	F	F	C	C	C
Trade school	F	F	C	C	C



	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Entertainment and Recreational Uses</u>					
Adult entertainment	F	F	F	F	F
Amusement game machines in commercial establishment	C	F	C	F	C
Amusement game machines in non-commercial establishment	C	F	C	F	F
Bar <sup>(1)</sup>	F	F	F	F	F
Bar with live entertainment <sup>(1)</sup>	F	F	F	F	C
Bowling alley	F	F	C	F	C
Billiard parlor	F	F	F	F	F
Dance hall	F	F	F	F	F
Drive-in theatre	F	F	F	F	F
Fitness center or gymnasium	C	C	A	C	A
Private club not serving alcohol	A	C	A	C	C
Private club serving alcohol	C	F	C	F	C
Restaurant with live entertainment, not operating after 10:30 p.m. <sup>(1)</sup>	F	F	C	F	
Restaurant with live entertainment, operating after 10:30 p.m. <sup>(1)</sup>	F	F	F	F	F
<u>Funerary Uses</u>					
Cemetery	F	F	F	F	F
Columbarium	F	F	F	F	F
Crematory	F	F	F	F	F

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Funerary Uses (cont'd)</u>					
Funeral home	C	F	C	F	A
Mortuary chapel	F	F	F	F	F
<u>Health Care Uses</u>					
Clinic	C	C	C	C	C
Clinical laboratory	F	F	C	C	A
Custodial care facility	F	F	F	F	C
Group care residence, general	C	C	C	C	C
Hospital	F	F	F	F	A
Nursing or convalescent home	C	C	C	C	C
<u>Hotel and Conference Center Uses</u>					
Bed and breakfast	C	C	C	C	F
Conference center	F	F	F	F	C
Executive suites	F	F	F	F	C
Hotel	F	F	F	F	C
Motel	F	F	F	F	F
<u>Industrial Uses</u>					
Artists' mixed-use	A	A	A	A	A
Cleaning plant	F	F	F	F	C
General manufacturing use	F	F	F	F	C



	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Industrial Uses (cont'd)</u>					
Light manufacturing use	F	F	F	F	C
Printing plant	F	F	F	F	A
Restricted industrial use	F	F	F	F	F
<u>Office Uses</u>					
Agency or professional office	A	A	A	A	A <sup>(3)</sup>
General office	C	C	A	C	A <sup>(3)</sup>
Office of wholesale business	F	F	F	F	A <sup>(3)</sup>
<u>Open Space Uses</u>					
Golf driving range	F	F	F	F	F
Grounds for sports, private	F	F	F	F	C
Open space	A	A	A	A	A
Open space recreational building	C	C	C	C	C
Outdoor place of recreation					
for profit	F	F	F	F	F
Stadium	F	F	F	F	F
<u>Public Service Uses<sup>(2)</sup></u>					
Automatic telephone exchange					
Courthouse	C	C	C	C	A
Fire station	C	C	C	C	C

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Public Service Uses (cont'd)</u>					
Penal institution	F	F	F	F	F
Police station	C	C	C	C	A
Pumping station	F	F	F	F	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F	C
Solid waste transfer station	F	F	F	F	F
Sub-station	C	C	C	C	A
Telephone exchange	C	C	C	C	A
<u>Research and Development Uses<sup>(3)</sup></u>					
Research laboratory	F	F	F	F	C
Product development or prototype manufacturing	F	F	F	F	C
<u>Residential Uses<sup>(4)</sup></u>					
Congregate living complex	F	C	F	C	F
Elderly housing	C	C	C	C	F
Group residence, limited	A	A	A	A	F
Lodging house	F	F	F	F	F
Mobile home	F	F	F	F	F
Mobile home park	F	F	F	F	F
Multi-family dwelling	A	A	A	A	F
One family detached dwelling	C	C	C	C	F



	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Residential Uses (cont'd)</u>					
One family semi-attached dwelling	C	C	C	C	F
Orphanage	C	C	C	C	F
Rowhouse	A	A	A	A	F
Temporary dwelling structure	C	C	C	C	F
Three family detached dwelling	C	C	C	C	F
Townhouse	A	A	A	A	F
Transitional housing or homeless shelter	F	F	F	F	F
Two family detached dwelling	C	C	C	C	F
Two family semi-attached dwelling	C	C	C	C	F
<u>Restaurant Uses</u>					
Drive-in restaurant	F	F	F	F	C
Restaurant	C	F	A	F	C
Take-out restaurant	C	F	A	F	A
Small <sup>(5)</sup>	C	F	C	F	C
Large <sup>(5)</sup>					
<u>Retail Uses<sup>(6)</sup></u>					
Adult bookstore	F	F	F	F	F
Bakery	C	C	A	C	A
General retail business <sup>(7)</sup>	C	C	C	C	C
Liquor store	C	F	C	F	F

TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Retail Uses<sup>(6)</sup> (cont'd)</u>					
Local retail business	A	A	A	A	A
Outdoor sale of garden supplies	C	F	C	F	A
<u>Service Uses<sup>(6)</sup></u>					
Animal hospital	F	F	F	F	A
Barber or beauty shop	A	F	A	F	C
Caterer's establishment	C	F	C	F	A
Check cashing business	F	F	F	F	F
Container redemption center <sup>(8)</sup>	F	F	F	F	A
Dry-cleaning shop	A	F	A	F	A
Kennel	F	F	F	F	A
Laundry, retail service	A	F	A	F	A
Laundry, self-service	A	F	A	F	F
Photocopying establishment	A	F	A	F	F
Shoe repair	A	F	A	F	A
Tailor shop	A	F	A	F	A
<u>Storage Uses, Major</u>					
Enclosed storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F	F
Outdoor storage of new materials	F	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F	F



TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Storage Uses, Major (cont'd)</u>					
Outdoor storage of junk and scrap	F	F	F	F	F
Storage of flammable liquids and gases	F	F	F	F	C
Small <sup>(9)</sup>	F	F	F	F	F
Large <sup>(9)</sup>	F	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F	A
Warehousing	F	F	F	F	F
Wrecking yard	F	F	F	F	F
<u>Trade Uses<sup>(6)</sup></u>					
Carpenters shop	C	F	C	F	A
Electrician's shop	C	F	C	F	A
Machine shop	C	F	C	F	A
Photographer's studio	C	F	C	F	A
Plumber's shop	C	F	C	F	A
Radio/television repair	C	F	C	F	A
Upholsterer's shop	C	F	C	F	A
Welder's shop	F	F	F	F	A
<u>Transportation Uses</u>					
Airport	F	F	F	F	F
Bus terminal	F	F	F	F	F

TABLE B - Continued

	Local Convenience		Neighborhood Shopping		Local Industrial Subdistricts
	Subdistricts		Subdistricts		
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Transportation Uses (cont'd)</u>					
Garage with dispatch	F	F	F	F	C
Helicopter landing facility	F	F	F	F	F
Motor freight terminal	F	F	F	F	C
Rail freight terminal	F	F	F	F	C
Railroad passenger station	F	F	F	F	C
Water terminal	F	F	F	F	F
<u>Vehicular Uses</u>					
Airport-related remote parking facility	F	F	F	F	F
Bus servicing or storage	F	F	F	F	F
Carwash <sup>(10)</sup>	F	F	F	F	A <sup>(12)</sup>
Gasoline station <sup>(10)</sup>	F	F	F	F	A <sup>(12)</sup>
Indoor sale, with or without installation, of automotive parts, accessories and supplies					
Indoor sale of automobiles and trucks	F	F	F	F	A <sup>(12)</sup>
Outdoor sale of new and used vehicles	F	F	F	F	A <sup>(12)</sup>
Parking garage	C	C	C	C	C
Parking lot	F	F	F	F	C
Rental agency for cars	C	F	C	F	C
Rental agency for trucks	F	F	F	F	C
Repair garage <sup>(10)</sup>	F	F	F	F	A <sup>(12)</sup>
Truck servicing or storage	F	F	F	F	C



	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Wholesale Uses</u>					
Wholesale business	F	F	F	F	A
<u>Accessory and Ancillary Uses</u>					
In each subdistrict of the Charlestown Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.					
Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	C	F	C	F	F
Accessory art use	A	A	A	A	A
Accessory automatic teller machine	A	F	A	F	A
Accessory bus servicing or storage	F	F	F	F	F
Accessory cafeteria	A	C	A	C	A
Accessory cultural uses	A	A	A	A	A
Accessory dormitory	F	F	F	F	F
Accessory drive-through restaurant	F	F	F	F	C
Accessory drive-through retail	F	F	F	F	C
Accessory family day care home	A	A	A	A	F
Accessory home occupation	A	A	A	A	F
Accessory industrial use	F	F	F	F	A
Accessory keeping of animals other than laboratory animals	F	F	F	F	C

TABLE B - Continued

	Local Convenience		Neighborhood Shopping		Local Industrial Subdistricts
	Subdistricts		Subdistricts		
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
<u>Accessory and Ancillary Uses (cont'd)</u>					
Accessory keeping of laboratory animals <sup>(3)</sup>	F	F	F	F	A
Accessory machine shop	F	F	F	F	A
Accessory manufacture of products	F	F	F	F	A
Accessory offices	A	A	A	A	A
Accessory outdoor cafe <sup>(11)</sup>	C	F	F	F	C
Accessory parking	A	C	A	C	A
Accessory personnel quarters	C	C	C	C	C
Accessory professional office in a dwelling	A	A	A	A	F
Accessory railroad storage yard	F	F	F	F	F
Accessory recycling	F	F	F	F	A
Accessory repair garage	F	F	F	F	C
Accessory retail	A	A	A	A	C
Accessory service uses	A	A	A	A	A
Accessory services for apartment and hotel residents	C	C	C	C	F
Accessory services incidental to educational uses other than college or university use	F	F	F	F	C
Accessory storage of flammable liquids and gases					
Small <sup>(9)</sup>	C	F	C	F	A
Large <sup>(9)</sup>	F	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F	F



TABLE B - Continued

	Local Convenience Subdistricts		Neighborhood Shopping Subdistricts		Local Industrial Subdistricts
	Bsmt. & First Story	Second Story & Above	Bsmt. & First Story	Second Story & Above	
Accessory swimming pool or tennis court <sup>(12)</sup>	A	F	A	F	C
Accessory trade uses	A	F	A	F	A
Accessory truck servicing or storage	F	F	F	F	A <sup>(12)</sup>
Accessory wholesale business	C	F	C	F	A
Ancillary use <sup>(13)</sup>	C	C	C	C	C

Accessory and Ancillary Uses (cont'd)

Accessory swimming pool or  
tennis court<sup>(12)</sup>  
Accessory trade uses  
Accessory truck servicing or storage  
Accessory wholesale business  
Ancillary use<sup>(13)</sup>

1. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of the requirements of St. 1956, c. 665, S.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub station, or automatic telephone exchange, no storage building or yard is maintained.
3. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
4. Provided that Dwelling Units are forbidden in Basements.

5. Small: total gross floor area not more than 2,500 square feet per restaurant in a Neighborhood Business Subdistrict, or 1,000 square feet per restaurant in a Local Industrial Subdistrict. Large: total gross floor area exceeding 2,500 square feet per restaurant in a Neighborhood Business Subdistrict, or 1,000 square feet per restaurant in a Local Industrial Subdistrict.
6. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
7. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it: (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.
8. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, or Open Space District or Subdistrict.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
11. Where such use is designated "A," except conditional in a Rear Yard abutting a Residential Subdistrict.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.



13. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE C

Charlestown Neighborhood District  
Residential Subdistricts Dimensional Regulations

	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height <sup>(2)</sup> Maximum Stories	Feet	Usable Open Space <sup>(3)</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard <sup>(4)</sup> Minimum Depth (Feet)	Side Yard <sup>(5)</sup> Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
Two-Family Residential Subdistrict												
2F-3000 <sup>(1)</sup>												
1 & 2 Family Detached	3,000 for 1 or 2 units	N/A	35	35	1.5	2-1/2	35	450	7	5	30	25
Other Use	3,000	N/A	35	35	1.5	2-1/2	35	450	7	5	30	25
Three-Family Residential Subdistrict												
3F-2000 <sup>(1)</sup>												
Semi-attached Dwelling, Row House Building, or Town House Building	1,000 for 1 unit	1,000	20	20	2.0	3	35	350	(4)	2-1/2	20	25



TABLE C- Continued

	Lot Area, Minimum for Dwelling Unit(s) Specified (Sq Ft)	Additional Lot Area for Ea. Addit'l Dwelling Unit (Sq Ft)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height <sup>(2)</sup> Maximum Stories	Usable Open Space <sup>(3)</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard <sup>(4)</sup> Minimum Depth (Feet)	Side Yard <sup>(5)</sup> Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
<u>3F-2000<sup>(1)</sup> (Continued)</u>											
Any other Dwelling or Use	2,000 for 1 or 2 units	1,000	25	25	2.0	3	35	(4)	2-1/2	20	25
<u>3F-3000<sup>(1)</sup></u>											
Semi-attached Dwelling, Row House Building, or Town House Building	1,500 1 unit	1,500	25	25	2.0	3	35	(4)	5	25	25
Any other Dwelling or Use	3,000 for 1 or 2 units	1,500	30	30	2.0	3	35	(4)	5	25	25
<u>RH - 1500<sup>(1)</sup></u>											
Row House Building or Town House Building	1,500 for up to 2 units	750	20 for each bldg.	20 for each bldg.	2.0	3	35	(4)	none	25	25

TABLE C- Continued

	Lot Area, Minimum for Dwelling Unit(s) Specified (Sq. Ft.)	Additional Lot Area for Each Additional Dwelling Unit (Sq. Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height <sup>(2)</sup> Maximum Stories	Usable Open Space <sup>(3)</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard <sup>(4)</sup> Minimum Depth (Feet)	Side Yard <sup>(5)</sup> Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
<b>RH - 1500<sup>(1)</sup> (continued)</b>											
Any other Use	1,500 for up to 2 units	750	20	20	2.0	3	150	(4)	none	25	25
<b>RH - 2000</b>											
Row House Building or Town House Building	2,000	1,000	20	20	2.0	3	250	(4)	none	30	25
Any other Use	2,000 for up to 2 units	1,000	20	20	2.0	3	250	(4)	none	30	25



TABLE C- Continued

	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq Ft)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq Ft)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height <sup>(2)</sup> Maximum Stories	Usable Open Space <sup>(3)</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard <sup>(4)</sup> Minimum Depth (Feet)	Side Yard <sup>(5)</sup> Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
Multifamily Residential Subdistrict											
MFR <sup>(1)</sup>											
1 or 2 Family Detached Dwelling or Semi-Attached Dwelling	2,000 per bldg. of 1 or 2 units	2,000 per bldg. of 1 or 2 units	35	35	1.0	3	400	20	10	30	25
Row House Building or Town House Building	3,000 for up to 4 units per bldg.	3,000 for up to 4 units per bldg.	30 for each bldg.	30 for each bldg.	1.0	3	400	20	10	30	25
Any other Dwelling or Use	4,000 for first 3 units	1,500	40	40	1.0	3	400	20	10	30	25

TABLE C - Continued

Footnotes

1. See Map 2E, and Section 62-6 (Establishment of Residential Subdistricts). In a 2F subdistrict, the maximum number of dwelling units allowed in a single structure shall be two (2). The maximum number of dwelling units allowed in a semi-attached dwelling shall be one (1). In a 3F subdistrict, the maximum number of dwelling units allowed in a single structure, or in any combination of semi-attached or attached structures (including Semi-Attached Dwellings, Town House Buildings, and Row House Buildings), shall be three (3).
2. For the purpose of determining Building Height, the floor area of a dormer on a Dwelling shall not be included in the floor area calculation for a half story, provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing Structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the Dwelling.
3. The minimum usable open space requirement is applicable only to Residential Uses and Dormitory/Fraternity Uses.  
For any lot that exceeds the minimum lot area specified in this Table C, the required number of square feet of usable open space per dwelling unit shall be calculated by adding: (a) the minimum usable open space per dwelling unit specified in this Table C, and (b) twenty-five percent (25%) of the lot area in excess of the required minimum lot area specified in this Table C for the lot.  
All ground level open space used to satisfy the minimum usable open space requirements specified in this Table C must have an unobstructed length of not less than ten (10) feet and an unobstructed width of not less than ten (10) feet, except that, for yards used to meet the open space requirements of this Table C, shorter or narrower dimensions are allowed where specifically permitted by the provisions of Section 62-30 (Application of Dimensional Requirements).  
In the 3F Subdistricts and the MFR Subdistricts, up to twenty-five percent (25%) of the usable open space requirement may be met by unenclosed porches (with or without roofs) or by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings, provided that any such space on a porch, balcony, or roof has an unobstructed length of not less than six (6) feet and an unobstructed width of not less than six (6) feet.
4. See Section 62-30.1, Conformity with Existing Building Alignment A bay window may protrude into a Front Yard
5. Semi-attached Dwellings, Town House Buildings, and Row House Buildings are only required to have side yards on sides that are not attached to another Dwelling

## Charlestown Neighborhood District

## Community Facilities Subdistricts, Neighborhood Business Subdistricts and Local Industrial Subdistricts

## Dimensional Regulations

	<u>Community Facilities Subdistricts</u>	<u>Local Convenience Subdistricts</u>	<u>Neighborhood Shopping Subdistricts</u>	<u>Local Industrial Subdistricts</u>
Maximum Floor Area Ratio	2.0	2.0	2.0	2.0
Maximum Building Height	45	35	35	45
Minimum Lot Size	none	none	none	none
Minimum Lot Area Per Dwelling Unit	N/A	N/A	N/A	N/A
Minimum Usable Open Space <sup>(1)</sup> per Dwelling Unit (sq. ft.)	N/A	50	50	N/A
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard <sup>(2)</sup>	none	none <sup>(3)</sup>	none <sup>(3)</sup>	none
Minimum Side Yard <sup>(4)</sup>	none	none	none	none
Minimum Rear Yard <sup>(5)</sup>	none	20	20	none



**Footnotes:**

1. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
2. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.
- In a Neighborhood Business Subdistrict, every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
3. See Section 62-26.1, Street Wall Continuity.
4. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. In a Neighborhood Business Subdistrict, every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE E

**Charlestown Neighborhood District  
Off-Street Parking Requirements (1)**

	Space(s) Per 1,000 Square Feet of <u>Gross Floor Area</u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses</u>	
Day Care Center	0.7
Elementary or Secondary School	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	2.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
All other Public Service Uses	0
<u>Research and Development Uses</u>	0.5
<u>Retail Uses</u>	2.0
<u>Service and Trade Uses</u>	2.0

TABLE E- Continued

**Charlestown Neighborhood District  
Off-Street Parking Requirements (1)**

	Space(s) Per 1,000 Square Feet of <u>Gross Floor Area</u>
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).



TABLE E - Continued

**Charlestown Neighborhood District  
Off-Street Parking Requirements (1)**

	If there are seats: (spaces per seat) (2)	If there are no seats (spaces per 1,000 square feet of public floor area in structures)
<u>Cultural Uses</u>	0.2	2.0
<u>Entertainment Uses</u>	0.3	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>		
Restaurant	0.3	4.0
Other Restaurant Uses	0.15	0.5
<u>Open Space Uses</u>		
Stadium	0.2	N/A
Other Open Space Uses	0.2	2.0

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).
2. Where benches are used, each two (2) linear feet of bench shall constitute one (1) seat.

TABLE E - Continued

**Charlestown Neighborhood District  
Off-Street Parking Requirements**

**Residential and Related Uses (1)**

	Spaces per <u>Dwelling Unit(2)</u>
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
Bed and Breakfast	0.7
Conference Center	0.7
Executive Suites	0.7
Hotel	0.7
Motel	1.0
<u>Residential Uses</u>	
Elderly Housing	0.2
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses(3)	
1-2 units	1.0
3-6 units	1.5
7-9 units	1.75
10+ units	2.0

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
  - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
  - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.
3. An off-street parking space designed so that a vehicle cannot enter or exit the space without passing through another parking space shall constitute 0.75 of a parking space.

TABLE F

**Charlestown Neighborhood District  
Off Street Loading Requirements (1)**

<u>Gross Floor Area</u>	<u>Required Off-Street Loading Bays</u>
0-15,000 square feet	0
15,001-49,999 square feet	1.0

1. The provisions of this Table F do not apply to Proposed Projects that are subject to Large Project Review. See Section 62-29 (Off-Street Parking and Loading Requirements).



Text Amendment Application No. 290

Text Amendment No. 253

*R. L. Mann*

Chairman

*Robert Foubert*

Vice Chairman

*James C. Clark*

*William E. Taylor*

*Ralph Cooper*

*Jill Stalton*

*William E. Taylor*

*Sean M. McGrath*

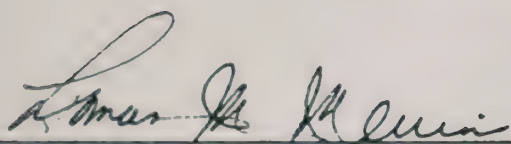
In Zoning Commission

Adopted September 23, 1998

Attest:

*W. L. Hampton*

Secretary

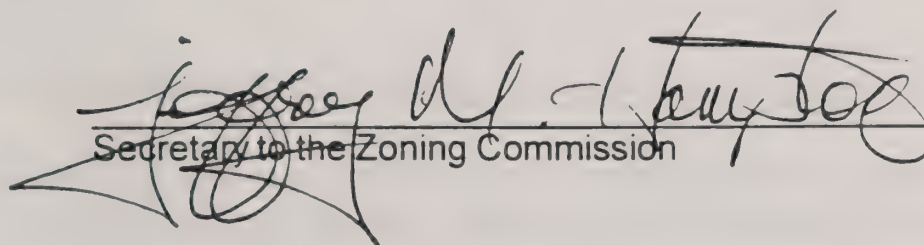


Mayor, City of Boston

Date: 9/28/98

The foregoing amendment was presented to the Mayor on SEPT. 28, 1998, and was signed by him on SEPT. 28, 1998, whereupon it became effective on SEPT. 28, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
Secretary to the Zoning Commission





Text Amendment Application No. 291  
Boston Redevelopment Authority  
City Square Neighborhood District  
(Article 58)  
Use and Dimensional Regulations

Effective:  
Sept. 28, 1998

TEXT AMENDMENT NO. 254

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

By amending **Article 58, City Square Neighborhood District**, in the manner described below.

- A. In **Section 58-19.7, Accessory Buildings in Side or Rear Yards**, after the words, "Accessory Building may be erected in a Side or Rear Yard", insert the following words:

as a conditional use

- B. In **Table A, Use Regulations**, delete footnote 4, which reads:

Except A on the ground floor of any building that has street frontage on Warren Street, between Park Street and Chelsea Street, provided that such use may be entered directly from Warren Street

- C. In **Table A, Use Regulations**, in the subdistrict column entitled "**Three Family (3F)**", make the changes in use item designations shown below:

---

\*Date of public notice: August 28, 1998 (see St. 1956, c. 665, s. 5)

	<u>Change From</u>	<u>To</u>
<u>Educational Uses</u>		
Elementary or secondary school	A	C
Kindergarten	A	C
<u>Office Uses</u>		
Agency or professional office	F <sup>4</sup>	F
<u>Public Service Uses</u>		
Automatic telephone exchange	C	F
Pumping station	C	F
Sub-station	C	F
<u>Restaurant Uses</u>		
Restaurant	F <sup>4</sup>	F
<u>Retail Uses</u>		
Bakery	F <sup>4</sup>	F
Local retail business	F <sup>4</sup>	F
<u>Service Uses</u>		
Barber or beauty shop	F <sup>4</sup>	F
Laundry, retail service	F <sup>4</sup>	F
Laundry, self-service	F <sup>4</sup>	F
Photocopying establishment	F <sup>4</sup>	F
Shoe repair	F <sup>4</sup>	F
Tailor shop	F <sup>4</sup>	F

Accessory and Ancillary Uses

Accessory outdoor café	C <sup>4</sup>	C
Accessory retail	F <sup>4</sup>	F
Accessory service uses	F <sup>4</sup>	F

- D. In **Table A, Use Regulations**, in the subdistrict column entitled **“Multifamily Residential (MFR)”**, make the changes in use item designations shown below:

	<u>Change From</u>	<u>To</u>
<u>Cultural Uses</u>		
Art use	A	C
<u>Office Uses</u>		
Agency or professional office	F <sup>4</sup>	F
<u>Open Space Uses</u>		
Open space recreational building	A	C
<u>Restaurant Uses</u>		
Restaurant	A	C
<u>Retail Uses</u>		
Bakery	A	C
Local retail business	A	C
<u>Service Uses</u>		
Barber or beauty shop	A	C
Laundry, retail service	A	C
Laundry, self-service	A	C
Photocopying establishment	A	C



Shoe repair	A	C
Tailor shop	A	C

Accessory and Ancillary Uses

Accessory services incidental to educational uses other than college or university use	F	C
--	---	---

- E. In **Table A, Use Regulations**, in the subdistrict column entitled **"Neighborhood Shopping Subdistricts, *Bsmnt. & First Story*"**, make the changes in the use item designations shown below:

	<u>Change From</u>	<u>To</u>
<u>Entertainment and Recreational Uses</u>		
Dance hall	F	C
Fitness center or gymnasium	A	C
Private club not serving alcohol	A	C
<u>Residential Uses</u>		
Congregate living complex	A	C
Elderly housing	A	C
<u>Accessory and Ancillary Uses</u>		
Accessory recycling	F	C
Accessory services to incidental to educational uses other than college or university use	F	C

- F. In **Table A, Use Regulations**, in the subdistrict column entitled **“Neighborhood Shopping Subdistricts, Second Story & Above”**, make the changes in use item designations shown below:

	<u>Change From</u>	<u>To</u>
<u>Banking and Postal Uses</u>		
Automatic teller machine	F	C
Bank	F	C
<u>Entertainment and Recreational Uses</u>		
Private club not serving alcohol	F	C
Private club serving alcohol	F	C
Restaurant with live entertainment, not operating after 10:30 p.m.	F	C
<u>Residential Uses</u>		
Congregate living complex	A	C
Elderly housing	A	C
<u>Trade Uses</u>		
Photographer's studio	F	C
<u>Accessory and Ancillary Uses</u>		
Accessory outdoor café	F	C
Accessory recycling	F	C
Accessory services incidental to educational uses other than college or university use	F	C
Accessory swimming pool or tennis court	F	C

G. In **Table B, Dimensional Regulations, Residential Subdistricts**:

1. In the column specifying maximum building height in stories for Multifamily Residential subdistricts, replace the following number:

3

in each line where it appears, with the following number:

4

2. In the column specifying the front yard minimum depth, replace the following number:

5

in each line where it appears, with the following word:

None

H. In **Table C, Dimensional Regulations, Neighborhood Business Subdistricts**, delete footnote 5, which reads:

No minimum front yard is required except along Warren Street, between Chelsea Street and Water Street, where the minimum front yard shall be thirty-five (35) feet.

I. In **Table D, Off-Street Parking Requirements**, under the heading "Other Residential Uses", replace the following designations:

1-3 units	1.0
4-9 units	1.25
10+ units	1.5

with the following designations:

1-2 units	1.0
3-6 units	1.5
7-9 units	1.75
10+ units	2.0



Text Amendment Application No. 291

Text Amendment No. 254

*R. L. Kern*

Chairman

*Robert F. Jones*

Vice Chairman

*Joan M. McSpeth*  
*William E. Taylor*

*W. S. Hutton*

*Ralph Cooper*

*James E. Clark*

*James E. Clark*

In Zoning Commission

Adopted September 23, 1998


Attest:

*James E. Clark*

Secretary

Text Amendment Application No. 291

Text Amendment No. 254

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 9/28/98

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The foregoing amendment was presented to the Mayor on SEPT. 28, 1998, and was signed by him on SEPT. 28, 1998, whereupon it became effective on SEPT. 28, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:   
\_\_\_\_\_  
Secretary to the Zoning Commission

Text Amendment Application No. 292  
Boston Redevelopment Authority  
Bay Village Neighborhood District

TEXT AMENDMENT NO. 255

\*Effective:  
October 23, 1998

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

By inserting the following article:

ARTICLE 63

BAY VILLAGE NEIGHBORHOOD DISTRICT

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REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

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\* Date of public notice: October 1, 1998 (see St. 1956, c. 665, s.5)



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**SECTION 63-1. Statement of Purpose and Objectives.** The purpose of this Article is to establish the zoning regulations for the Bay Village Neighborhood District. The objectives of this Article are to provide adequate density controls that protect established residential areas and encourage residential development; to promote the viable neighborhood economy; to preserve, maintain and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

**SECTION 63-2. Physical Boundaries.** The provisions of this Article are applicable only in the Bay Village Neighborhood District. The boundaries of the Bay Village Neighborhood District and its subdistricts are as shown on the map numbered 1N entitled "Bay Village Neighborhood District," amending "Map 1 Boston Proper," of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 63-3. Applicability.** This Article together with the rest of this Code constitutes the zoning regulation for the Bay Village Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where

specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the Bay Village Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

**SECTION 63-4. Prohibition of Planned Development Areas.** Within the Bay Village Neighborhood District, no Planned Development Area shall be permitted.

**SECTION 63-5. Community Participation.** This Article has been developed with the extensive participation of the Bay Village Neighborhood Association, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the Bay Village Neighborhood Association, or its successor organization, and the Bay Village civic



associations, residents, business and trade groups shall continue to play an ongoing role in advising the City on land use planning for Bay Village.

## REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

**SECTION 63-6. Establishment of Residential Subdistricts.** This Section 63-6 establishes Residential Subdistricts within the Bay Village Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Row House ("RH") Residential Subdistricts. Row House Subdistricts are established to preserve, maintain, and promote the existing fabric of Row House neighborhoods by allowing Row Houses and Town Houses as the sole housing types. In a Row House Residential Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3).
2. Multifamily Residential ("MFR") Subdistricts. Multifamily Residential ("MFR") Subdistricts are established to encourage low to medium density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

3. Multifamily Residential/Local Services ("MFR/LS") Subdistricts.

Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings and commercial uses.

**SECTION 63-7. Use Regulations Applicable in Residential Subdistricts.**

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in said Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the Bay Village Neighborhood District.

**SECTION 63-8. Dimensional Regulations Applicable in Residential Subdistricts.**



1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table B of this Article.
2. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of the Front Yards required by this Article, as set forth in Table C.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.
4. Town House/Row House Extensions into Rear Yard. Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or (b) involves the addition of a porch or balcony, other than a roof deck, above the first story.



SECTION 63-9. **Density Limitation Regulations.** Within the Bay Village Neighborhood District, the following regulations apply to: (a) any Dwelling converted for more families in separate Dwelling Units; and (b) any Lodging House converted for three or more families in separate Dwelling Units.

1. Buildings With Gross Floor Area of 2,000 or More Square Feet. In any Building having a gross floor area of 2,000 more square feet, the maximum number of Dwelling Units with usable interior living area of less than 750 feet square feet shall not exceed:

- (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or
- (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

2. Buildings With Gross Floor Area of Less than 2,000 Square Feet. In any Building having a gross floor area of less than 2,000 square feet, the maximum number of Dwelling Units with usable interior living area of less than 525 feet square feet shall not exceed:

- (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or



(b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

If a Building, after conversion, will not conform to the applicable dimensional or parking requirements of this Code, the Board of Appeal, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, may nonetheless authorize such conversion, provided that: (a) the lot area per Dwelling Unit, usable open space per Dwelling Unit, and off-street parking per Dwelling Unit each meet at least one-half the requirements of this Code; and (b) any nonconformity as to Floor Area Ratio and yard dimension is no greater than prior to conversion.

For purposes of this Section 63-9, usable interior living area is the area of a Dwelling Unit as measured by the interior faces of the walls of the unit, but excluding open porches, balconies and decks, and any areas excluded from gross floor area as defined in Article 2A.

## REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

### SECTION 63-10. **Establishment of Neighborhood Business Subdistricts.**

This Section 63-10 establishes Neighborhood Business Subdistricts within the Bay Village Neighborhood District. There is one type of Neighborhood Business Subdistrict: Neighborhood Shopping ("NS"), providing convenience goods and services for the immediate and larger neighborhood. Neighborhood Business Subdistricts are established to encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the Bay Village community.

The physical character and visual image of Bay Village's commercial districts is critical to its success. Appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistrict.

The following Neighborhood Business Subdistrict is established:

1. Bay Village Neighborhood Shopping (NS) Subdistrict

**SECTION 63-11. Use Regulations Applicable in Neighborhood Business Subdistricts.** Within a Neighborhood Business Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in

Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Neighborhood Business Subdistrict.

**SECTION 63-12. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table B of this Article.



REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 63-13. **Establishment of Open Space Subdistricts.** This Section 63-13 establishes Open Space ("OS") Subdistricts in the Bay Village Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for Bay Village's residents by protecting open space resources. Any Lot within an Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the Bay Village Neighborhood District are listed in Table 1 of this Section 63-13 and are of the following types:

- 1. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses and are subject to the provisions of Section 33-15.

TABLE 1

**Open Space Subdistricts in the  
Bay Village Neighborhood District**

<u>Designation</u>	<u>Location/Name</u>
Urban Plaza	Church Street Urban Plaza Station Urban Plaza Bay Village Neighborhood Park

## REGULATIONS APPLICABLE IN OVERLAY DISTRICTS

### SECTION 63-14. **Establishment of Neighborhood Design Overlay**

**Districts.** The Bay Village Neighborhood District includes land designated by the Boston Landmarks Commission as the Bay Village Historic District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, this Section 63-14 establishes Neighborhood Design Overlay Districts ("NDOD") as overlays to certain subdistricts within the Bay Village Neighborhood District. The Neighborhood Design Overlay Districts are established to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings within the Neighborhood Design Overlay Districts where the standards and criteria administered by the Boston Landmarks Commission do not apply.

For applicability of the Design Component of Small Project Review to Proposed Projects in Neighborhood Design Overlay Districts, see Article 80. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Neighborhood Design Overlay Districts.

The following Neighborhood Design Overlay District is established:

1. Columbus Avenue Neighborhood Design Overlay District. The Columbus Avenue area showcases several distinctive examples of commercial construction. One hundred Arlington Street is a prime example of a Classic Revival building showing the influence of machine-like Moderne aesthetic. It has a stylized frieze below the parapet wall at the roof and

multi-pane bronze and iron windows in round-arched openings on the first floor. The detached Queen Anne building at 162-172 Columbus Avenue has a rectangular massing, granite block foundation. These buildings frame the First Cadet Corps Armory, at the corner of Arlington Street and Columbus Avenue, which is a designated Boston Landmark.



## REGULATIONS GOVERNING DESIGN

**SECTION 63-15. Design Review and Design Guidelines.** The Bay Village Neighborhood District includes land designated by the Boston Landmarks Commission as the Bay Village Historic District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, to ensure that growth in the Bay Village Neighborhood District established by this Article is compatible with the character of the buildings and urban design features of the neighborhood, design review by the Boston Redevelopment Authority is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

1. Applicability of Design Review. To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review).

To determine whether a Proposed Project is subject to Small Project Review, see Section 80E-2 (Applicability of Small Project Review).

2. Design Guidelines. This Section 63-15.2 establishes the following design guidelines for those areas of the Bay Village Neighborhood District that are not subject to the Standards and Criteria for the Bay Village Historic District, as issued by the Boston Landmarks Commission and amended from time to time:

- (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
- (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
- (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
- (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.
- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural

character of historically distinctive commercial buildings in the surrounding area.

- (f) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (g) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (h) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setbacks from streets, spacing among buildings, and orientation of facades to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the



location of buildings should respect significant landscape features on the site.

- (i) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (j) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows facing onto pedestrian areas, should be avoided to the extent practicable in building design. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (k) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest

commercial architecture. Street Wall continuity should be maintained.

- (l) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (m) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (n) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed

so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.

- (o) Landscaping and screening should be used to make the business subdistricts more attractive, and to provide screening between business and residential uses.
- (p) If a security grate is to be used on a building, it should be a grille rather than a roll-up steel door. Such security grate should be mounted inside rather than outside the building, if practicable, and if it must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner. Security grates should be integrated into the design of the facade.
- (q) In addition to the foregoing, the design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

**SECTION 63-16. Roof Structure Restrictions.** In the Bay Village Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in the following paragraph), or storage, and no roof



structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building used for a residential use, or originally built for such a use, if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor. In reaching its decision, the Board of Appeal shall consider whether such roof structure has the potential to damage the uniformity of height or architectural character of the immediate vicinity.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses,

and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

**SECTION 63-17. Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 63-17 shall apply to Proposed Projects within those subdistricts specified in this Section 63-17, except to the extent that provisions for Street Walls and display windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 63-17.

1. Street Wall Continuity. This Section 63-17.1 shall apply within the Bay Village Neighborhood District to any Proposed Project that includes the erection of a new structure or the extension of an existing structure, where such extension changes the location of a Street Wall.

In any Proposed Project that is subject to this Section 63-17.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.



If there is no determinable Building Line of either of said adjacent blocks, then the Proposed Project shall be deemed to be subject to the Design Component of Small Project Review for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 63-17.1, Street Walls shall be continuous across a Lot. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

For Proposed Projects that are subject to or elect to comply with Large Project Review or Small Project Review, recesses and bays shall be permitted if appropriate to the creation of visually interesting designs or the accommodation of a specific ground level function, provided that the facade remains compatible with its historical and architectural surroundings and visual continuity in the Block front is preserved, as certified by the Boston Redevelopment Authority in accordance with the Urban Design Component of Large Project Review or the Design Component of Small Project Review.

2. Display Window Area Regulations in Neighborhood Business Subdistricts.

This Section 63-17.2 shall apply in the Neighborhood Business Subdistricts to any Proposed Project for the uses specified in this Section 63-17.2. For the purposes of these Display Window Area



Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

(a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 63-17.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

(i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Use, Service Use, Office Use, or Trade Use conducted on the premises.

(c) Display Window Security Grates. That portion of the Display Window Area required by Section 63-17.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

**SECTION 63-18. Screening and Buffering Requirements.** In order to enhance the appearance of the Bay Village Neighborhood District and to ensure that

its commercial areas are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 63-18 shall apply in the Neighborhood Business Subdistricts to those Proposed Projects described in this Section 63-18, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 63-18.

1. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 63-18.1. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.



2. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, or (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 63-18.2. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
3. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
4. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.

5. Specifications for Plantings. Shrubs required by this Section 63-18 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 63-18 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade) and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
6. Maintenance of Landscaped Areas. Landscaping required by this Section 63-18 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 63-18.



## MISCELLANEOUS PROVISIONS

SECTION 63-19. **Sign Regulations.** The provisions of this Section 63-19 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Row House, Multifamily Residential, and Open Space Subdistricts. In the Row House Subdistricts, Multifamily Residential Subdistricts, and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in Multifamily Residential/Local Services and Neighborhood Business Subdistricts. In the Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 63-19.

Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:

- (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall



not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

- (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

- (c) Free-standing Signs. Free-standing Signs are forbidden in the Bay Village Neighborhood District.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the Bay Village Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**SECTION 63-20. Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to or has elected to comply with Large Project Review, any required off-street parking spaces and off-street loading facilities shall

be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces, if any, are as set forth in Table C, and the minimum required off-street loading spaces are as set forth in Table D. See also Section 3-1A.c, concerning regulations applicable in the Restricted Parking District.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such open-air use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.



- (a) Off-street parking and loading spaces shall not be located in any part of the Front Yards or landscaped areas required by this Article.
- (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 63-20 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot.
- (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate

because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
  - (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
  - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
  - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.

(d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.

6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

#### SECTION 63-21. **Application of Dimensional Requirements.**

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering



with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 63-21. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.

5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths ( $\frac{3}{4}$ ) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half ( $\frac{1}{2}$ ) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.
  
6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one half ( $1\frac{1}{2}$ ) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than seven (7) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.

7. Accessory Buildings in Side or Rear Yard. Accessory Buildings may be erected in a Side or Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height, or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no



event shall the Rear Yard of any such Lot be less than fifteen (15) feet deep.

11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 63-21.12 if it finds that open space for all occupants, and light and air for all rooms designed

for human occupancy, will not be less than would be provided if the requirements of this Section 63-21.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.
14. Exceptions to FAR Requirement. A new Town House or Row House on a single Lot of 2,500 square feet or less may exceed the allowable FAR to the extent necessary to match the Building Height and the Front and Rear Yards of an adjacent Town House or Row House. Existing Building Alignment shall be used to determine Front Yard depth of the new Town House or Row House. Rear Yard depth shall be determined by measuring from the rear wall of the main structure, exclusive of any additions or ells, of the adjacent Town House or Row House to the Rear Lot Line.

**SECTION 63-22. Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not

increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 63-23. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 63-24. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 63-25. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 63-26. **Tables.** The following tables are hereby made part of this Article:

<u>Table A</u>	<u>Use Regulations</u>
A	- Residential Subdistricts and Neighborhood Business Subdistricts
<u>Table B</u>	<u>Dimensional Regulations</u>
B	- Residential Subdistricts and Neighborhood Business Subdistricts
<u>Tables C - D</u>	<u>Parking and Loading Regulations</u>
C	- Off-Street Parking
D	- Off-Street Loading



TABLE A

Bay Village Neighborhood District  
Use Regulations in  
Residential Subdistricts and Neighborhood Business Subdistricts

Key: A = Allowed, C = Conditional, F = Forbidden  
For definitions of use categories and certain specific uses, see Article 2A.  
For summary of requirements applicable to Institutional Uses, see Note 1.

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Banking and Postal Uses</u>				
Automatic teller machine	F	A <sup>2</sup>	F <sup>18</sup>	A
Bank	F	A <sup>2</sup>	F <sup>18</sup>	A
Drive-in bank	F	F	F	F
Post office	F	C <sup>2</sup>	F <sup>19</sup>	C
<u>Community Uses</u>				
Adult education center	F	C <sup>2</sup>	F <sup>19</sup>	C
Community center	F	C <sup>2</sup>	F <sup>19</sup>	C
Day care center	F	C <sup>2</sup>	F <sup>19</sup>	C
Day care center, elderly	F	C <sup>2</sup>	F <sup>19</sup>	C
Library	F	C	F <sup>19</sup>	A
Place of worship; monastery; convent; parish house	A	A	A	A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Cultural Uses</u>				
Art gallery	F	A <sup>2</sup>	F <sup>18</sup>	A
Art use	F	C <sup>2</sup>	F <sup>19</sup>	C
Auditorium	F	F	F	C
Cinema	F	F	F	F
Concert hall	F	F	F	F
Museum	F	F	F	C
Public art, display space	F	C <sup>2</sup>	F <sup>19</sup>	C
Studios, arts	F	C <sup>2</sup>	F <sup>19</sup>	C
Studios, production	F	C <sup>2</sup>	F <sup>19</sup>	C
Theatre	F	F	F	F
Ticket sales	F	F	F	F
<u>Dormitory/Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F
<u>Educational Uses</u>				
College or university <sup>1</sup>	F	F	F	F
Elementary or secondary school <sup>3</sup>	F	C	F <sup>19</sup>	C
Kindergarten	F	C	F <sup>19</sup>	C
Professional school	F	F	F	F
Trade school	F	F	F	F

TABLE A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	F	F	F
Amusement game machines in non-commercial establishment	F	F	F	F
Bar <sup>14</sup>	F	F	F	F
Bar with live entertainment	F	F	F	F
Bowling alley	F	F	F	F
Billiard parlor	F	F	F	F
Dance hall	F	F	F	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	F	F	F	C
Private club not serving alcohol	F	F	F	F
Private club serving alcohol	F	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. <sup>14</sup>	F	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	F	F

Funerary Uses

- Cemetery
- Columbarium
- Crematory
- Funeral home
- Mortuary chapel



TABLE A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Health Care Uses</u>				
Clinic	F	F	F	F
Clinical laboratory	F	F	F	F
Custodial care facility	F	F	F	F
Group care residence, general	F	F	F	F
Hospital <sup>1</sup>	F	F	F	F
Nursing or convalescent home <sup>1</sup>	F	F	F	C
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	F	F	F	C
Conference center	F	F	F	C
Executive suites	F	F	F	F
Hotel	F	F	F	F
Motel	F	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	F	C	F <sup>19</sup>	C
Cleaning plant	F	F	F	F
General manufacturing use	F	F	F	F
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F

TABLE A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Office Uses</u>				
Agency or professional office	F	A <sup>2</sup>	F <sup>18</sup>	A
General office	F	C <sup>2</sup>	F <sup>19</sup>	C
Office of wholesale business	F	F	F	F
<u>Open Space Uses</u>				
Golf driving range	F	F	F	F
Grounds for sports, private	F	F	F	F
Open space	A	A	A	A
Open space recreational building	C	C	C	C
Outdoor place of recreation for profit	F	F	F	F
Stadium	F	F	F	F
<u>Public Service Uses</u> <sup>3</sup>				
Automatic telephone exchange	F	F	F	C
Courthouse	F	F	F	F
Fire station	F	C	C	C
Penal institution	F	F	F	F
Police station	F	C	C	C
Pumping station	F	F	F	F
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F
Solid waste transfer station	F	F	F	F
Sub-station	F	F	F	F
Telephone exchange	F	F	F	C

TABLE A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Research and Development Uses<sup>4</sup></u>				
Research laboratory	F	F	F	F
Product development or prototype manufacturing	F	F	F	F
<u>Residential Uses<sup>5</sup></u>				
Congregate living complex	F	F	F <sup>19</sup>	C
Elderly housing	F	C	F <sup>19</sup>	A
Group residence, limited	A	A	A	A
Lodging house	C	C	C	C
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	A <sup>16</sup>	A	A	A
One family detached dwelling	F	F	A	F
One family semi-attached dwelling	F	C	A	F
Orphanage	F	F	F	F
Rowhouse	A	A	A	A
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	F	F	A	F
Townhouse	A	A	A	A
Transitional housing or homeless shelter	F	F	F	F
Two family detached dwelling	F	F	A	F
Two family semi-attached dwelling	F	C	A	F



TABLE A

	Row House Subdistricts (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Restaurant Uses<sup>7</sup></u>				
Drive-in restaurant	F	F	F	F
Restaurant	F	C <sup>2</sup>	F <sup>19</sup>	C
Take-out restaurant				
Small <sup>6</sup>	F	F	F	F
Large <sup>7</sup>	F	F	F	F
<u>Retail Uses<sup>8</sup></u>				
Adult bookstore	F	F	F	F
Bakery	F	A <sup>2</sup>	F <sup>18</sup>	A
General retail business	F	F	F	C
Liquor store	F	F	F	C
Local retail business	F	A <sup>2,15</sup>	F <sup>18</sup>	A <sup>15</sup>
Outdoor sale of garden supplies	F	F	F	C
<u>Service Uses<sup>8</sup></u>				
Animal hospital	F	F	F	F
Barber or beauty shop	F	C <sup>2</sup>	F <sup>19</sup>	A
Caterer's establishment	F	C <sup>2</sup>	F <sup>19</sup>	C
Check cashing business	F	F	F	F
Container redemption center	F	F	F	F
Dry-cleaning shop	F	A <sup>2,15</sup>	F <sup>18</sup>	A
Kennel	F	F	F	F
Laundry, retail service	F	A <sup>2,15</sup>	F <sup>18</sup>	A
Laundry, self-service	F	A <sup>2,15</sup>	F <sup>18</sup>	A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
<u>Service Uses<sup>8</sup> (cont'd)</u>				
Photocopying establishment	F	A <sup>2,15</sup>	F <sup>18</sup>	A
Shoe repair	F	A <sup>2,15</sup>	F <sup>18</sup>	A
Tailor shop	F	A <sup>2,15</sup>	F <sup>18</sup>	A
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases	F	F	F	F
Small <sup>9</sup>	F	F	F	F
Large <sup>9</sup>	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F
<u>Trade Uses<sup>8</sup></u>				
Carpenters shop	F	F	F	F
Electrician's shop	F	F	F	F
Machine shop	F	F	F	F

TABLE A

	Row House Subdistrict (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (RH)	Neighborhood Shopping (NS)
<u>Trade Uses<sup>8</sup> (cont'd)</u>				
Photographer's studio	F	F	F	A
Plumber's shop	F	F	F	F
Radio/television repair	F	F	F	A
Upholsterer's shop	F	F	F	C
Welder's shop	F	F	F	F
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F
<u>Vehicular Uses<sup>14</sup></u>				
Airport-related remote parking facility	F	F	F	F
Bus servicing or storage	F	F	F	F
Carwash	F	F	F	F
Gasoline station	F	F	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F



	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (MFR)	Neighborhood Shopping (NS)
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### Vehicular Uses<sup>14</sup> (cont'd)

Indoor sale of automobiles and trucks	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F
Parking garage	F	F	F	C
Parking lot	F	F	F	F
Rental agency for cars	F	F	F	F
Rental agency for trucks	F	F	F	F
Repair garage	F	F	F	F
Truck servicing or storage	F	F	F	F

### Wholesale Uses

Wholesale business	F	F	F	F
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### Accessory and Ancillary Uses

In each subdistrict of the Bay Village Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

### Accessory amusement game machines in (not more than four) commercial or non-commercial establishment

Accessory art use	F	F	F	F
Accessory automatic teller machine	F	C <sup>2</sup>	F <sup>19</sup>	C
Accessory bus servicing or storage	F	A <sup>2</sup>	F <sup>18</sup>	A
	F	F	F	F

TABLE A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (RH)	Neighborhood Shopping (NS)
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory cafeteria	F	F	F	C
Accessory cultural uses	F	C <sup>2</sup>	F <sup>19</sup>	C
Accessory dormitory	F	F	F	F
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	C	C	C	A
Accessory home occupation	A	A	A	A
Accessory industrial use	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F
Accessory keeping of laboratory animals <sup>4</sup>	F	F	F	F
Accessory machine shop	F	F	F	F
Accessory manufacture of products	F	F	F	F
Accessory offices	F	A <sup>2</sup>	F <sup>18</sup>	A
Accessory outdoor cafe <sup>12</sup>	F	C	F <sup>19</sup>	C
Accessory parking	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>	A <sup>17</sup>
Accessory personnel quarters	F	A	A	A
Accessory printing	F	F	F	F
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
Accessory repair garage	F	F	F	F
Accessory retail	F	A <sup>2</sup>	F <sup>18</sup>	A
Accessory recycling	F	F	F	F
Accessory services for apartment and hotel residents	F	A	F <sup>18</sup>	A

TABLE A

	Row House Subdistrict (RH)	Multifamily Residential/ Local Services (MFR/LS)	Multifamily Residential (RH)	Neighborhood Shopping (NS)
Accessory services incidental to educational uses other than a college or university use	F	F	F	C
Accessory service uses	F	C	F <sup>19</sup>	A
Accessory storage of flammable liquids and gases				
Small <sup>9</sup>	F	F	F	A
Large <sup>9</sup>	F	F	F	F
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis court <sup>10</sup>	C	A	A	A
Accessory trade uses	F	F	F	F
Accessory truck servicing or storage	F	F	F	F
Accessory wholesale business	F	F	F	F
Ancillary use <sup>11</sup>	C	C	C	C

### Accessory and Ancillary Uses (cont'd)

Accessory services incidental to educational uses other than a college or university use

Accessory service uses

Accessory storage of flammable liquids and gases

    Small<sup>9</sup>

    Large<sup>9</sup>

Accessory storage or transfer of toxic waste

Accessory swimming pool or tennis court<sup>10</sup>

Accessory trade uses

Accessory truck servicing or storage

Accessory wholesale business

Ancillary use<sup>11</sup>



TABLE A

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.
2. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.
3. Where designated "A," provided that: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, substation, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 2,500 square feet per restaurant.
7. Total gross floor area exceeding 2,500 square feet per restaurant.
8. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.
9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
11. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
12. Provided that, where such use is designated "A," it shall be conditional in a Rear Yard abutting a Residential Subdistrict.
13. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than month; otherwise forbidden.
14. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
15. Where a Retail, Service or Trade Use is designated "A", it shall be forbidden if such establishment is open to the public after 9:00 p.m. or before 7:00 a.m.
16. Subject to the limitations of Section 63-6.1 (concerning number of dwelling units allowed in a building in a Row House Residential Subdistrict).
17. Except, where subject to the Restricted Parking District, such use is conditional when accessory to uses other than Residential Uses, Hotel and Conference Center Uses, or Dormitory and Fraternity Uses; see Section 3-1A.c and Map 1.
18. Except allowed within fifty (50) feet of the Street Line of Stuart Street; provided that such use is located on the ground floor, or in a basement with a separate entrance.
19. Except conditional within fifty (50) feet of the Street Line of Stuart Street; provided that such use is located on the ground floor, or in a basement with a separate entrance.



TABLE B

## Bay Village Neighborhood District

Residential Subdistricts  
Dimensional Regulations

Subdistrict	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height Maximum Stories	Feet	Usable Open Space <sup>(a)</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard Minimum Depth (Feet)	Side Yard Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
<u>RH</u>												
Row House Building or Town House Building	none	none	15	15	2.0	3	35	150	(b)	none	12	25
Any Other Use	none	none	15	15	2.0	3	35	150	(b)	none	12	25
<u>MFR and MFR/LS-2</u>												
Row House Building or Town House Building	none	none	15	15	2.0	3	35 <sup>(c)</sup>	150	(b)	none	12	25
Any Other Dwelling or Use	none	none	15	15	2.0	3	35 <sup>(c)</sup>	150	(b)	none	12	25



TABLE B - Continued

MFR/LS-3	none	15	15	3.0	3	35 <sup>(c)</sup>	150	(b)	none	12	25
Row House Building or Town House Building	none	15	15	3.0	3	35 <sup>(c)</sup>	150	(b)	none	12	25
Any Other Dwelling or Use	none	15	15	3.0	3	35 <sup>(c)</sup>	150	(b)	none	12	25

Footnotes

- Applicable only to Residential Uses and Dormitory/Fraternity Uses.
- See Section 63-21.1, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.
- Except 45 feet for structures located: (i) west of Arlington Street, or (ii) within fifty (50) feet of the Street Line of Stuart Street.

TABLE C

Bay Village Neighborhood District  
Neighborhood Business Subdistricts  
Dimensional Regulations

Neighborhood Shopping  
Subdistricts

Maximum Floor Area Ratio

6.0

Maximum Building Height

65

Minimum Lot Size

none

Minimum Lot Area Per  
Dwelling Unit

none

Minimum Usable Open Space  
per Dwelling Unit

150

Minimum Lot Width

none

Minimum Lot Frontage

none

Minimum Front Yard (1)

(2)

Minimum Side Yard (3)

none

Minimum Rear Yard (4)

12

**Footnotes:**

1. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

Every front yard required by this code shall be at grade level along every lot line on which such yard abuts.

2. See Section 63-21.1, Conformity with Existing Building Alignment. A bay window may protrude into a Front Yard.

3. No side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

4. Every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.



TABLE D

**Bay Village Neighborhood District  
Off-Street Parking Requirements (1)**

**Residential and Related Uses**

	Off Street Parking Requirement (space <u>per dwelling unit</u> ) (2)(3)
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
<u>Residential Uses (3)</u>	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses (4)(5)	0.7

1. The provisions of this Table D do not apply to Proposed Projects that are subject to Large Project Review. See Section 63-20 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
  - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
  - (b) if sleeping rooms have accommodations for more than two (2) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. Any dwelling converted for more families in separate dwelling units must meet not less than one-half the off-street parking requirements of this Table D.
4. Off-street parking facilities are not required unless more than two car spaces are required by this Table D.

TABLE D (continued)

5. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.

TABLE E

**Bay Village Neighborhood District  
Off-Street Loading Requirements (1)**

<u>Gross Floor Area</u>	<u>Required Off Street Loading Bays</u>
0-15,000 square feet	0
15,001-49,999 square feet	1.0

1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 63-20 (Off-Street Parking and Loading Requirements).



Text Amendment Application No. 292

Text Amendment No. 255

*A. G. Mann*

Chairman

*Robert J. Joubert*

Vice Chairman

*Murphy*

*Ralph Cooper*

*Jim Statten*

*Don Beam*

*Carl M. McGrath*

*William E. J. Joubert*

In Zoning Commission

Adopted: October 21, 1998

Attest:

*Jeffrey M. Hampton*

Secretary



Mayor, City of Boston

Date: 10/27/98

The foregoing amendment was presented to the Mayor on OCTOBER 31, 1998, and was signed by him on OCTOBER 23, 1998, whereupon it became effective on OCTOBER 23, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
Secretary to the Zoning Commission

TEXT AMENDMENT NO. 256

\*Effective:  
Dec. 16, 1998

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956 as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

By inserting the following article:

ARTICLE 64

SOUTH END NEIGHBORHOOD DISTRICT

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\* Date of public notice: November 25, 1998 (see St. 1956, c. 665, s.5)



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**SECTION 64-1. Statement of Purpose, Goals and Objectives.** The purpose of this Article is to establish the zoning regulations for the comprehensive plan for the South End Neighborhood District. The goals and objectives of this Article and the South End/Lower Roxbury Development Policy Plan are to preserve and enhance the South End neighborhood; to provide housing for individuals and families of all economic levels, age groups and household types; to promote and expand neighborhood educational and cultural facilities; to promote a viable neighborhood economy, and provide for new economies and expansion of job opportunities; to preserve, enhance and create open space; to enhance the appearance of residential, commercial and industrial areas; to protect the environment and improve the quality of life; to promote the most desirable use of land; and to promote the public safety, health, and welfare of the people of the South End.

**SECTION 64-2. Recognition of the South End/Lower Roxbury Development Policy Plan.** The Commission hereby recognizes the South End/Lower Roxbury Development Policy Plan as the general plan for the South End Neighborhood District. The South End/Lower Roxbury Development Policy Plan also shall serve as the portion of the general plan for the City of Boston applicable to the South End Neighborhood District. This Article is an integral part of, and one of the means of implementing, the South End/Lower Roxbury Development Policy Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

**SECTION 64-3. Physical Boundaries.** The provisions of this Article are applicable only in the South End Neighborhood District. The boundaries of the South End Neighborhood District and its subdistricts are as shown on the maps numbered 1P and entitled "South End Neighborhood District" (supplemental to "Map 1 Boston Proper") of the series of maps entitled "Zoning Districts City of Boston," as amended.

**SECTION 64-4. Applicability.** This Article together with the rest of this Code constitute the zoning regulation for the South End Neighborhood District and apply as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern. Except where specifically indicated to the contrary in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the South End Neighborhood District.

Proposed Projects are exempt from the provisions of this Article, and are governed by the rest of this Code, if application to the Inspectional Services



Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

Notwithstanding any contrary provision of this Article or Code, any Institutional Use existing in an Institutional Subdistrict in the South End Neighborhood District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article shall be deemed allowed for all purposes under this Code, whether or not described in an Institutional Master Plan and without need for a Certification of Consistency under Institutional Master Plan Review, pursuant to Section 80D-10.

Any building or structure existing within the South End Neighborhood District as of the date of the first notice of hearing before the Zoning Commission for the adoption of this Article and:

- (i) used for an Institutional Use as of such date, or
- (ii) adequately described in an applicable Institutional Master Plan in accordance with Section 80D-3.2 (Existing Property and Uses)

shall be deemed to be in compliance, as so existing, with the dimensional, parking, and loading requirements of this Article and shall not be considered dimensionally nonconforming for the purposes of Article 9.

**SECTION 64-5. Prohibition of Planned Development Areas.** Within the South End Neighborhood District, no Planned Development Area shall be permitted, except as expressly provided for in Section 64-28.

**SECTION 64-6. Community Participation.** This Article has been developed with the extensive participation of the South End/Lower Roxbury Working Group. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the South End/Lower Roxbury Working Group or its successor organization, if any, and the South End's residents, business groups, and institutions shall continue to play an ongoing role in advising the City on land use planning for the South End.

## REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

**SECTION 64-7. Establishment of Residential Subdistricts.** This Section 58-7 establishes Residential Subdistricts within the South End Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; and to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment. Within all Residential Subdistricts, Density Limitation regulations apply as set forth in Section 64-10.

The following Residential Subdistricts are established:

1. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two- and three-family dwellings, row houses, and apartments.
2. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density, multifamily areas with a variety of allowed housing types, including, two-, and three-family dwellings, row houses, apartments, and ground floor commercial uses.

## **SECTION 64-8. Use Regulations Applicable in Residential Subdistricts.**

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in Basements are forbidden in the South End Neighborhood District.

## **SECTION 64-9. Dimensional Regulations Applicable in Residential Subdistricts.**

1. Lot Area, Lot Width, Lot Frontage, Yard, Building Height, and FAR Requirements. The minimum Lot Area, Lot Width, Lot Frontage, Usable



Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard required for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.

2. Location of Parking. Accessory off-street parking in the Residential Subdistricts shall not be located in any part of a Front Yard required by this Article, as set forth in Table F.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front or Side Lot Line.
4. Town House/Row House Extensions into Rear Yard. Notwithstanding any contrary provision of this Article or Code, any Proposed Project that otherwise meets the applicable use and dimensional requirements of this Article shall be conditional if such Proposed Project involves the extension of a Town House or Row House into a rear yard, where such extension: (a) increases the gross floor area of such Town House or Row House by fifty (50) or more square feet; or (b) involves the addition of a porch or balcony, other than a roof deck, above the first story.

**SECTION 64-10. Density Limitation Regulations.** Within the South End Neighborhood District, the following regulations apply to: (a) any Dwelling converted for more families in separate Dwelling Units; and (b) any Lodging House converted for three or more families in separate Dwelling Units.

1. Buildings With Gross Floor Area of 2,000 or More Square Feet. In any Building having a gross floor area of 2,000 more square feet, the maximum number of Dwelling Units with usable interior living area of less than 750 feet square feet shall not exceed:
  - (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or
  - (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

2. Buildings With Gross Floor Area of Less than 2,000 Square Feet. In any Building having a gross floor area of less than 2,000 square feet, the maximum number of Dwelling Units with usable interior living area of less than 525 feet square feet shall not exceed:



- (a) one (1), if fewer than six stories of such Building contain Dwelling Units; or
- (b) two (2), if six or more stories of such Building contain Dwelling Units,

unless, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a larger number of such units.

If a Building, after conversion, will not conform to the applicable dimensional or parking requirements of this Code, the Board of Appeal, after public notice and hearing, and subject to the provisions of Sections 6-2, 6-3, and 6-4, may nonetheless authorize such conversion, provided that: (a) the lot area per Dwelling Unit, usable open space per Dwelling Unit, and off-street parking per Dwelling Unit each meet at least one-half the requirements of this Code; and (b) any nonconformity as to Floor Area Ratio and yard dimension is no greater than prior to conversion.

For purposes of this Section 64-10, usable interior living area is the area of a Dwelling Unit as measured by the interior faces of the walls of the unit, but excluding open porches, balconies and decks, and any areas excluded from gross floor area as defined in Article 2A.

## REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

### SECTION 64-11. **Establishment of Neighborhood Business Subdistricts.**

This Section 64-11 establishes Neighborhood Business Subdistricts within the South End Neighborhood District. There is one type of Neighborhood Business Subdistrict: Community Commercial (CC) providing a diversified commercial environment to the South End neighborhood.

The physical character and visual image of South End's commercial center is critical to its success. Appropriate signage, screening and buffering, and design guidelines, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistricts.

The following Neighborhood Business Subdistricts are established:

1. Dartmouth/Columbus Community Commercial (CC) Subdistrict
2. Columbus/Mass. Ave. Community Commercial (CC) Subdistrict
3. Berkeley/Chandler Community Commercial (CC) Subdistrict

**SECTION 64-12. Use Regulations Applicable in Neighborhood Business Subdistricts.** Within a Neighborhood Business Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in a Neighborhood Business Subdistrict.

**SECTION 64-13. Dimensional Regulations Applicable in Neighborhood Business Subdistricts.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such lot, are set forth in Table D of this Article.



## REGULATIONS APPLICABLE IN ECONOMIC DEVELOPMENT AREAS

**SECTION 64-14. Establishment of Economic Development Areas.** This Section 64-14 establishes an Economic Development Area ("EDA") within the South End Neighborhood District. The purposes of establishing the EDA are to encourage economic growth, including light manufacturing, research and development, and commercial activity, in a manner that is sensitive to the needs and interests of the community; to provide for economic development that is of a quality and scale appropriate to the surrounding neighborhood; and to encourage the diversification and expansion of Boston's and the South End's economy, with special emphasis on the creation and retention of job opportunities.

The following EDAs are established:

1. South End EDA. The establishment of the South End EDA recognizes the extent to which this area has historically served as an important manufacturing area providing jobs for South End and city residents. It also recognizes the development potential of the Albany Street area due, in large part, to its direct access to major regional transportation corridors such as the Southeast Expressway, the Massachusetts Turnpike, and the Seaport Access Road to the Third Harbor Tunnel. At such a prominent and central location, the South End EDA will serve to provide opportunities for a broad range of business development, including retail, office, manufacturing, and related commercial uses that can provide jobs and entrepreneurial opportunities. In addition, the South End EDA expands opportunities for the growing artists community in the South End.
2. Bio Square EDA. The Bio Square EDA is established to facilitate the development of a medical/research campus in the South End to promote the development of research facilities, provide for sufficient office areas to service the medical institutional uses in the neighborhood, and provide support services such as hotel and parking uses. The establishment of research institutes and laboratories focusing on biomedical research will create significant employment opportunities for South End and Boston residents.

**SECTION 64-15. Use Regulations Applicable in Economic Development Areas.** Within an EDA, no land or structure shall be erected, used, arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in an EDA.



SECTION 64-16. **Dimensional Regulations Applicable in Economic Development Areas.** The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in an EDA, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table E of this Article.

## REGULATIONS APPLICABLE IN NEIGHBORHOOD DEVELOPMENT AREAS

### SECTION 64-17. **Establishment of Neighborhood Development Areas.**

This Section 64-17 establishes a Neighborhood Development Area ("NDA") within the South End Neighborhood District. The Neighborhood Development Area is established to serve as a buffer area separating residential areas from industrial areas. The purpose of the Neighborhood Development Area is to promote the siting and design of any new development in a manner that is sensitive to the adjacent residential areas in the South End Neighborhood District and to enhance the Washington Street corridor.

The following Neighborhood Development Area is established:

1. Washington Street Neighborhood Development Area (NDA)

**SECTION 64-18. Use Regulations Applicable in Neighborhood Development Areas.** Within a Neighborhood Development Area, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in a Neighborhood Development Area.

**SECTION 64-19. Dimensional Regulations Applicable in Neighborhood Development Areas.**

1. Lot Area, Lot Width, Lot Frontage, Yard, Building Height, and FAR Requirements. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space for any Lot in a Neighborhood Development Area, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table E of this Article.
2. Dimensional Regulations Applicable to Residential Uses. Within a Neighborhood Development Area, the provisions of Section 64-9 (Dimensional Regulations Applicable in Residential Subdistricts), other than subsection 1, and the provisions of Section 64-10 (Density Limitation Regulations) shall apply to any Proposed Project for a residential use.

## REGULATIONS APPLICABLE IN COMMUNITY FACILITIES SUBDISTRICTS

### SECTION 64-20. **Establishment of Community Facilities Subdistricts.**

This Section 64-20 establishes Community Facilities ("CF") Subdistricts within the South End Neighborhood District. These subdistricts are established to encourage the development and expansion of important community-based facilities in the South End Neighborhood District that provide health, educational, and cultural services to the community and are an important part of the fabric of the South End community.

The following Community Facilities Subdistrict is established:

1. The Boston Center for the Arts - Franklin Institute CF Subdistrict

### SECTION 64-21. **Use Regulations Applicable in Community Facilities**

**Subdistricts.** Within a Community Facilities Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Community Facilities Subdistrict.

### SECTION 64-22. **Dimensional Regulations Applicable in Community**

**Facilities Subdistricts.** The minimum Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Community Facilities Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.



## REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

**SECTION 64-23. Establishment of Open Space Subdistricts.** This Section 64-23 designates Open Space ("OS") Subdistricts in the South End Neighborhood District. The purpose of the Open Space Subdistricts is to enhance the quality of life for the South End's residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the South End Neighborhood District are listed in Table 1 of this Section 64-23 and are of the following types:

1. Air-Right Open Space (OS-A) Subdistrict. Air-Right Open Space Subdistricts shall consist of land used as Transit Corridors owned by a Public Agency. Air-Right Open Space Subdistrict regulations as established in Section 33-16 shall apply to the development of spaces over such Transit Corridors.
2. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses and are subject to provisions of Section 33-14.
3. Community Garden Open Space (OS-G) Subdistrict. Community Garden Open Space Subdistricts consist of land appropriate for cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity and are subject to the provisions of Section 33-8.
4. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts are designated for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.
5. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas, and may include Vacant Public Land. Parkland Open Space Subdistricts and are subject to the provisions of Section 33-9.
6. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts consist of land appropriate for passive recreational uses and are subject to the provisions of Section 33-15.

TABLE 1

**Open Space Subdistricts  
in the South End Neighborhood District**

<u>Subdistrict Designation</u>	<u>Location/Name</u>
Air-Right	Casanove & St. Charles
Cemetery	South End Burial Ground
Community Garden	Berkeley Street Garden Unity Towers Garden Rutland/Washington Garden Warren/Clarendon Garden Dartmouth Park Garden Worcester Street Garden West Springfield Garden Harrison Street Gardens RD-60 Community Garden
Recreation	Peters Park Ringold Playground Rotch Park Titus Sparrow O'Day Playground Worcester Street Playground West Concord Street Tot Lot Bradford Street Tot Lot Union Park Street Play Area Blackstone Schoolyard
Parklands	Blackstone Square Franklin Square James Hayes Park Leighton Park Union Park Square Worcester Square Southwest Corridor Park Goldweitz Park Watson Park Upton Street Park Washington and West Dedham Hiscock Park Montgomery Park

Chester Park  
Worcester Square  
Waltham Square  
Wellington Green  
Braddock Park  
Rutland Square  
Concord Square  
Harriet Tubman Square

Urban Plaza

Tremont and Chandler Street Park  
Boston Center for the Arts  
Castle Square  
Plaza Betances  
South End Library  
Alan Crite Park



## REGULATIONS APPLICABLE TO INSTITUTIONAL USES

**SECTION 64-24. Establishment of Institutional Subdistricts.** This Section 64-24 establishes Institutional Subdistricts within the South End Neighborhood District. The purpose of the Institutional Subdistricts is to provide zoning regulations for the campuses of major Institutions within the South End Neighborhood District as they exist as of the effective date of this Article. Proposed Institutional Projects located in the South End Neighborhood District, whether inside or outside an Institutional Subdistrict, are subject to Section 64-27 (Institutional Master Plan Review Requirement).

The following Institutional Subdistrict is established:

1. Boston University Medical Center Institutional Subdistrict

**SECTION 64-25. Use Regulations Applicable in Institutional Subdistricts.** Except as otherwise specifically provided in this Article and Code, no land or structure in an Institutional Subdistrict shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in an Institutional Subdistrict.

**SECTION 64-26. Dimensional Regulations Applicable in Institutional Subdistricts.** Except as otherwise specifically provided in this Article and Code, the dimensional requirements governing land and structures in an Institutional Subdistrict are as set forth in Table E of this Article.

**SECTION 64-27. Institutional Master Review Plan Requirement.** Requirements for the review and approval of Institutional Master Plans and Proposed Institutional Projects are set forth in Article 80 for Institutional Master Plan Review. See Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of such requirements, requirements applicable to exempt projects, exemptions for small institutions, and election to include exempt projects in Institutional Master Plans.

1. Applicability of Requirement. Any Proposed Institutional Project for the erection, extension, or alteration of any structure or part thereof, or the change of use of any structure or land, located in the South End Neighborhood District, that is (or immediately after completion will be) used or occupied for an Institutional Use shall be consistent with an approved Institutional Master Plan, within the meaning of paragraph 2(a) (Review Requirement) of Section 80D-2 (Applicability of Institutional

Master Plan Review), unless such Proposed Institutional Project is exempt from such requirement pursuant to subsection 2 (Exempt Projects) of this Section 64-27.

2. Exempt Projects. A Proposed Institutional Project is exempt from the requirement of subsection 1 of this Section 64-27 to be consistent with an approved Institutional Master Plan if such Proposed Institutional Project is:
  - (a) for interior alterations to an existing building, provided that such Proposed Institutional Project does not involve the establishment or expansion of a High Impact Subuse that will affect, after such establishment or expansion, an aggregate gross floor area of more than fifty thousand (50,000) square feet (which area is not a phase of another Proposed Institutional Project); or
  - (b) for the erection or extension of an Institutional Use, provided that such Proposed Institutional Project does not affect an aggregate gross floor area of more than twenty thousand (20,000) square feet (which area is not a phase of another Proposed Institutional Project).
3. Time for Renewal of Institutional Master Plan. An Institutional Master Plan Notification Form (IMPNF) seeking renewal of an Institutional Master Plan pursuant to Section 80D-8 (Renewal of Institutional Master Plan) shall be filed on or before the eighth (8th) anniversary of the date of the later of (a) the Zoning Commission's approval of the original Institutional Master Plan, or (b) the most recent renewal thereof by the Zoning Commission (or by the Boston Redevelopment Authority, if no Zoning Commission review was required).



## REGULATIONS APPLICABLE IN PLANNED DEVELOPMENT AREAS

**SECTION 64-28. Establishment of Area Within Which Planned Development Areas May be Permitted.** Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted within Economic Development Areas (EDAs), Neighborhood Development Areas (NDAs), Community Facilities (CF) Subdistricts, and Community Commercial (CC) Subdistricts, except that no Planned Development Area shall be permitted for any Proposed Project to which the Institutional Master Plan Review requirement of Section 64-27 applies. PDAs are not permitted elsewhere in the South End Neighborhood District. The purposes of permitting PDAs in the subdistricts specified above are to provide for a more flexible zoning law; to provide public benefits to the South End community, including the creation of new job opportunities and housing for individuals and families of all economic groups; to allow for the diversification and expansion of Boston's economy through manufacturing, commercial, and scientific research and development uses; to encourage economic development while ensuring quality urban design by providing planning and design controls; and to provide connections for the South End to the downtown economy.

### **SECTION 64-29. Planned Development Areas: Use and Dimensional Regulations.**

1. Use Regulations. A Proposed Project within a PDA shall comply with the use regulations applicable to the underlying subdistrict for the location of the Proposed Project, except as those regulations are expressly modified by an approved Development Plan.
2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the Building Height and Floor Area Ratio (FAR) for such Proposed Project shall not exceed the limits set forth in Table 2, below:



TABLE 2

**South End Neighborhood District  
Planned Development Areas  
Maximum Building Heights and Floor Area Ratios**

<u>Area</u>	<u>Maximum</u>	
	<u>Building Height</u>	<u>FAR</u>
South End EDA/North	110'	5.0
South End EDA/South	(1)	5.0
Bio Square EDA	(1)	5.0
Washington Street Neighborhood NDA	70'	4.0
Boston Center for the Arts/ Franklin Institute CF Subdistrict	110'	5.0
Dartmouth/Columbus CC Subdistrict	(2)	(2)

- (1) Within 100 feet of the subdistrict boundary along Albany Street, the Building height shall not exceed one hundred ten (110) feet, and any portion of a Building above 70 feet in height shall be set back by no less than 10 feet from the Street Line of Albany Street. Between 100 feet and 160 feet of the subdistrict boundary along Albany Street, the Building Height shall not exceed one hundred fifty (150) feet.
- (2) Within the Dartmouth/Columbus Community Commercial Subdistrict, the Boston Redevelopment Authority may approve a Development Plan having Building Heights and FARs in excess of those set forth in Table D of this Article; provided, however, that each Proposed Project in such Development Plan shall be consistent with the design guidelines set forth in Appendix A to this Article.

**SECTION 64-30. Planned Development Area Review Requirement.** See Article 80 concerning the applicability of Planned Development Area Review to the approval of PDA Development Plans, PDA Master Plans, and Proposed Projects in Planned Development Areas.

**SECTION 64-31. Planned Development Areas: Public Benefits.** The Boston Redevelopment Authority may approve a Development Plan for a Proposed Project as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits, including one or more of the following: (a) diversification and

expansion of Boston's economy and job opportunities through economic activity, such as private investment in manufacturing, commercial uses, or research and development; or (b) creation of new job opportunities and establishment of educational facilities, career counseling, or technical assistance providing instruction or technical assistance in fields related to such jobs; or (c) provision of Affordable Housing available to South End and Boston residents; or (d) improvements to the aesthetic character of the development site and its surroundings, which may include the provision of open space connections, the provision of street trees and other improvements that enhance open space, the improvement of the urban design characteristics of the site and its surroundings, or the enhancement of existing open space or the creation of new open space.



## REGULATIONS GOVERNING DESIGN

**SECTION 64-32. Design Review and Design Requirements.** The South End Neighborhood District includes land designated by the Boston Landmarks Commission as the South End Landmark District, pursuant to Chapter 772 of the Acts of 1975, which is subject to standards and criteria administered by the Boston Landmarks Commission. In addition, within the South End Neighborhood District established by this Article, design review by the Boston Redevelopment Authority is required for certain Proposed Projects pursuant to this Code.

1. Applicability of Design Review. Design review by the Boston Redevelopment Authority is required for certain Proposed Projects pursuant to Article 80, which provides for Large Project Review and Small Project Review. To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review). See also Section 80E-2.1 (Applicability of Small Project Review: Design Component).
2. Design Guidelines. The Standards and Criteria for the South End Landmark District, as issued by the Boston Landmarks Commission and amended from time to time, shall apply as design guidelines for the South End Neighborhood District.

**SECTION 64-33. Screening and Buffering Requirements.** In order to enhance the appearance of the South End's Economic Development Areas, and to ensure that these subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 64-33 shall apply to those Proposed Projects described in this Section 64-33, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 64-33.

1. Screening and Buffering Along Property Lines Abutting Public Parks and Certain Subdistricts and Uses. Where any Lot line of a Proposed Project located in an Economic Development Area abuts (a) a public park, (b) a Residential Subdistrict or Residential Use, or (c) an Institutional Subdistrict, such Proposed Project shall provide and maintain, along each Lot line abutting such park, subdistrict, or use, a strip of shrubs and trees densely planted along the outside edge of a wall or heavy-duty fence. Trees may be planted without shrubs along the outside edge of a solid wall or of a stockade or board-type wooden fence that is constructed to be at least sixty percent (60%) opaque.



The width of the planting strip shall be appropriate for the species and quantities of plant materials necessary to provide adequate screening, but shall in no event be less than five (5) feet wide. Along a Lot line abutting a public park, the height of the fence or wall shall be no less than three (3) feet and no more than four (4) feet above Grade. Along a Lot line abutting a Residential Subdistrict, Residential Use, or Institutional Subdistrict, the height of the fence or wall shall be no less than four (4) feet and no more than seven (7) feet above Grade. If the planting strip abuts a parking area, a curb six (6) inches in height shall separate the landscaped area from the parking area.

2. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) an Institutional Subdistrict, shall be screened from view as provided in this Section 64-33.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the outside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

3. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) an Institutional Subdistrict shall be screened from view as provided in this Section 64-33.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted mechanical equipment is located within a Lot where screening is required along Lot lines pursuant to Section 64-33.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.
4. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be screened by wood, brick, or similar material



compatible with the building. Roof-mounted mechanical equipment shall be set back at least five (5) feet from all roof edges.

5. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, or stockade or board-type wood, provided that shadow box, stockade, and board-type fencing shall not be used to provide screening abutting a public street. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
6. Specifications for Plantings. Shrubs required by this Section 64-33 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 64-33 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
7. Maintenance of Landscaped Areas. Landscaping required by this Section 64-33 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 64-33.

**SECTION 64-34. Restricted Roof Structure Regulations.** In the South End Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five degrees, excluding shed dormers, provided that: (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3 and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) such deck and any appurtenant hand rail, balustrade, hatch, or bulkhead is set back at least five (5) feet from the front and rear roof edge.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

In reaching its decision under this Section 64-34, the Board of Appeal shall consider whether such roof structure has the potential to damage the uniformity of height or architectural character of the immediate vicinity.



## MISCELLANEOUS PROVISIONS

**SECTION 64-35. Sign Regulations.** The provisions of this Section 64-35 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Residential and Open Space Subdistricts. In the Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts, except that non-residential uses that are allowed or conditional in a Multifamily/Local Services Subdistrict shall be subject to the sign regulations set forth in subsection 2 of this Section 64-35.
2. Sign Regulations Applicable in All Other Subdistricts. In all subdistricts other than Residential Subdistricts and Open Space Subdistricts, and in Multifamily/Local Services Subdistricts as provided in subsection 1 of this Section 64-35, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 64-35. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
  - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

- (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.
- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of fifteen (15) square feet. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence as of the effective date of this Article, is forbidden in the South End Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

**SECTION 64-36. Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to or has elected to comply with Large Project Review, any required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces, if any, are as set forth in Table F, and the minimum required off-street loading spaces are as set forth in Table G. See also Map 1P and Section 3-1A.c, concerning regulations applicable in the Restricted Parking District.



1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.
2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
  - (a) Off-street parking and loading spaces shall not be located in any part of the Front Yards, open space, or landscaped areas required by this Article.
  - (b) Off-street parking for a Residential Use in a Rear Yard shall be located within twenty-five (25) feet of the rear lot line.
  - (c) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 64-36 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot.
  - (d) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that



a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
  - (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, and shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
  - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
  - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
  - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-½) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

#### **SECTION 64-37. Application of Dimensional Requirements.**

1. Conformity with Existing Building Alignment. If at any time, in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-½) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (¾) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any Rear Lot Line.
5. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (¾) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
6. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
7. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
8. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard



required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.

9. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 64-37.8 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 64-37.8 were met.
10. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.
11. Exceptions to FAR Requirement.
  - (a) Conformity with Adjacent Buildings and Yards. A new Town House or Row House on a single Lot of 2,500 square feet or less may exceed the allowable FAR to the extent necessary to match the Building Height and the Front and Rear Yards of an adjacent Town House or Row House. Existing Building Alignment shall be used to determine Front Yard depth of the new Town House or Row House. The Rear Yard depth of the adjacent Town House or Row House shall be determined by measuring from the rear wall of the main structure, exclusive of any additions or ells, to the Rear Lot Line.
  - (b) Pre-existing Buildings. A Town House or Row House existing at the time of the adoption of this Article may exceed the allowable FAR to the extent necessary to convert existing space within the Building from space not included in the calculation of gross floor area under Article 2A (Definitions) to space included in such calculation.



SECTION 64-38. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 64-39. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 64-40. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 64-41. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 64-42. **Tables and Appendix.** The following tables and appendix are hereby made part of this Article:

<u>Tables A-B</u>	<u>Use Regulations</u>
A	- Residential Subdistricts Community Facilities Subdistricts
B	- Neighborhood Business Subdistricts Economic Development Areas Neighborhood Development Areas Institutional Subdistricts
<u>Tables C-E</u>	<u>Dimensional Regulations</u>
C	- Residential Subdistricts
D	- Neighborhood Business Subdistricts Community Facilities Subdistricts
E	- Economic Development Areas Neighborhood Development Areas Institutional Subdistricts

Tables F-G

Parking and Loading Regulations

- F - Off-Street Parking
- G - Off-Street Loading

Appendix A

- Design Guidelines for Planned Development Area  
Development Plans in the Dartmouth/Columbus  
Community Commercial Subdistrict

## APPENDIX A TO ARTICLE 64

### **Design Guidelines for Planned Development Area Development Plans in the Dartmouth/Columbus Community Commercial Subdistrict**

The following design guidelines apply to any Planned Development Area Development Plan within the Dartmouth/Columbus Community Commercial Subdistrict.

#### **A. General Design Guidelines.**

1. Proposed Projects described in the Development Plan should contribute to the architectural integrity of the South End Historic Landmark District.
2. Building design should express a building's uses and function.

#### **B. Building Massing.** The massing of buildings described in the Development Plan should be compatible with the massing of surrounding buildings in adjacent subdistricts. The four areas described in the following guidelines are shown on Map A of this Appendix A.

1. Area 1. Within Area 1, the following guidelines apply:
  - a. Building massing and design should adhere strictly to the South End Historic Landmark District Standards and Criteria issued by the Boston Landmarks Commission.
  - b. The Dartmouth Street elevation should reflect and respond to the scale of the Tent City elevation along Dartmouth Street. Building massing along Dartmouth Street should be set back from the street line at a distance similar to that of the Tent City setback along Dartmouth Street.
2. Area 2. Within Area 2, the following guidelines apply:
  - a. Building massing should reflect the height, massing, and design scale of Tent City and other buildings adjacent to or across the street from Area 2. The Dartmouth Street elevation, in particular, should reflect and respond to the scale of the Tent City elevation along Dartmouth Street. Building massing along Dartmouth Street



should be set back from the street line at a distance similar to that of the Tent City setback along Dartmouth Street.

- b. The massing and design of buildings facing Dartmouth Street and Tent City, to the west, and Clarendon Street, to the east, should provide distinctive architectural gateways to the South End from Back Bay.
- c. On the Clarendon Street side of Area 2, building massing and design should enhance the view of the block from the east and should provide an entrance of equal importance to that on the Dartmouth Street side.

3. Area 3. Within Area 3, the following guidelines apply:

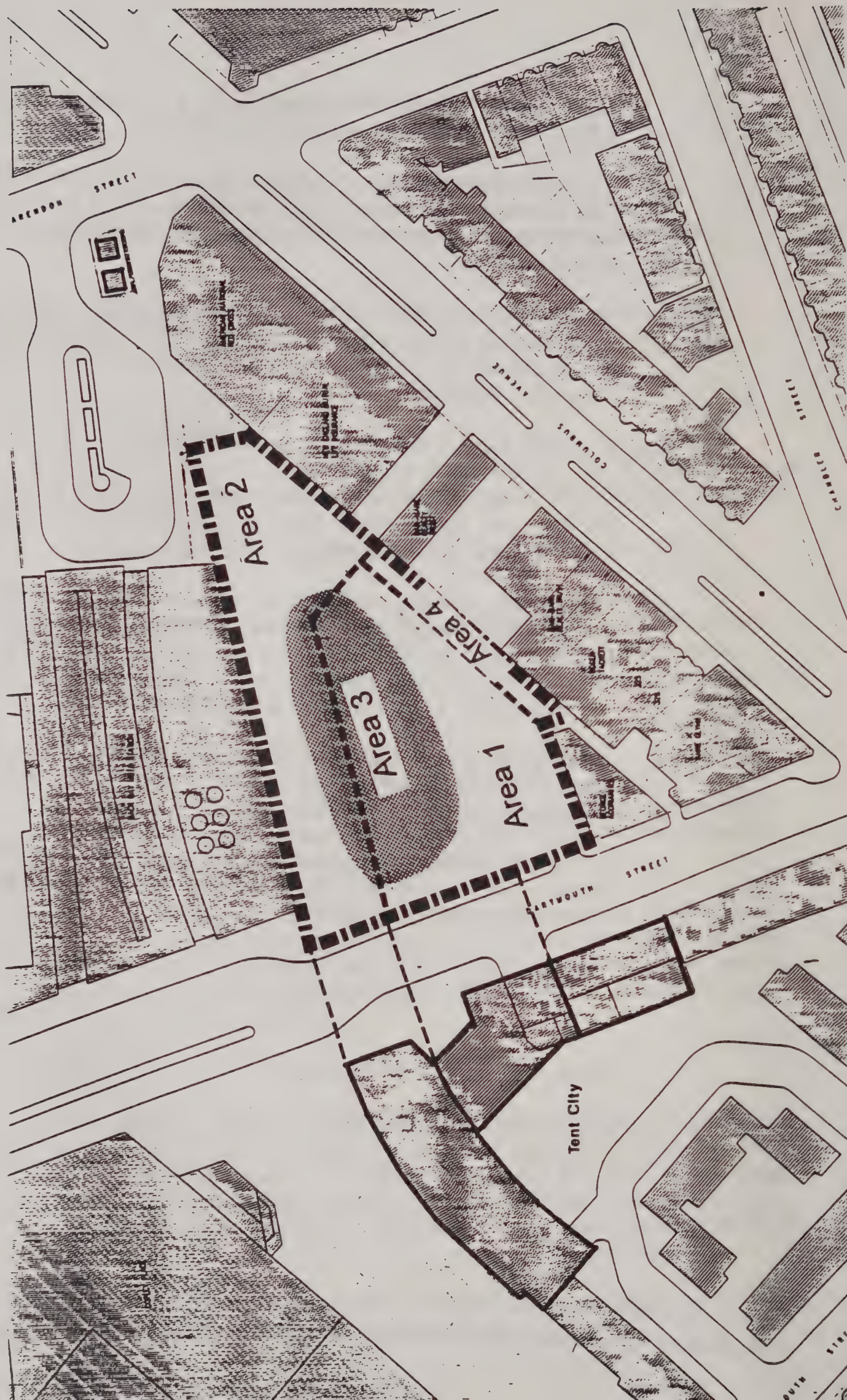
- a. Area 3 should provide a transition zone in which the massing of the Proposed Project steps down in gradation from the higher scale of Area 1 to the lower scale of Area 2.
- b. The building massing within Area 3 should reflect the height, massing, and design scale of Tent City and other buildings facing this area.

4. Area 4. Within Area 4, the following guidelines apply:

- a. Building massing and design should adhere strictly to the South End Historic Landmark District Standards and Criteria issued by the Boston Landmarks Commission.
- b. In Area 4, the upper portion of any building should be set back at a distance sufficient to allow for reasonable access to sunlight for buildings adjacent to Area 4.



APPENDIX A  
MAP A





C. Transportation and Pedestrian Access.

1. Dartmouth Street is the least favored point of access for deliveries and loading; efforts should be made to use other points of entry for deliveries and loading.
2. Direct internal access from the Back Bay MBTA Station into the Proposed Project should be considered and explored.
3. Project design and decisions regarding pedestrian and vehicular access to the Proposed Project should be coordinated with ongoing MBTA efforts to redesign the Clarendon Street bus loop.



TABLE A

**South End Neighborhood District  
Use Regulations in  
Residential Subdistricts and Community Facilities Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden  
 For definitions of use categories and certain specific uses, see Article 2A.  
 For summary of requirements applicable to Institutional Uses, see Note 1.

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Banking and Postal Uses</u>			
Automatic teller machine	F	A <sup>2</sup>	A
Bank	F	A <sup>2</sup>	A
Drive-in bank	F	F	F
Post office	F	C <sup>2</sup>	C
<u>Community Uses</u>			
Adult education center	C	C	A
Community center	C	C	A
Day care center	C	C	A
Day care center, elderly	C	C	A
Library	C	C	A
Place of worship; monastery; convent; parish house	A	A	A

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Cultural Uses</u>			
Art gallery	F	A <sup>2</sup>	A
Art use	F	C	A
Auditorium	F	F	A
Cinema	F	F	A
Concert hall	F	F	A
Museum	F	F	A
Public art, display space	C <sup>2</sup>	F	A
Studios, arts	F	F	A
Studios, production	F	F	A
Theatre	F	F	A <sup>12</sup>
Ticket sales	F	F	A
<u>Dormitory/Fraternity Uses</u>			
Dormitory not accessory to a use	F	F	F
Fraternity	F	F	F
<u>Educational Uses</u>			
College or university <sup>1</sup>	F	F	F
Elementary or secondary school <sup>3</sup>	C	F	A
Kindergarten	C	F	A
Professional school	F	F	A
Trade School	F	F	A

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Entertainment and Recreational Uses</u>			
Adult entertainment	F	F	F
Amusement game machines in commercial establishment	F	F	F
Amusement game machines in non-commercial establishment	F	F	F
Bar	F	F	C
Bar with live entertainment	F	F	C
Bowling alley	F	F	F
Billiard parlor	F	F	F
Dance hall	F	F	F
Drive-in theatre	F	F	F
Fitness center or gymnasium	F	F	A
Private club not serving alcohol	F	F	A
Private club serving alcohol	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	C
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	C
<u>Funerary Uses</u>			
Cemetery	F	F	F
Columbarium	F	F	F
Crematory	F	F	F
Funeral home	F	C	C
Mortuary chapel	F	F	C



TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Health Care Uses</u>			
Clinic	F	C	F
Clinical laboratory	F	F	F
Custodial care facility	F	F	F
Group care residence, general	F	F	F
Hospital <sup>1</sup>	F	F	F
Nursing or convalescent home <sup>1</sup>	A	C	F
<u>Hotel and Conference Center Uses</u>			
Bed and breakfast	A	A	F
Conference center	F	F	C
Executive suites	F	F	C
Hotel	F	F	A
Motel	F	F	F
<u>Industrial Uses</u>			
Artists' mixed-use	C	C	A
Cleaning plant	F	F	F
General manufacturing use	F	F	F
Light manufacturing use	F	F	F
Printing plant	F	F	F
Restricted industrial use	F	F	F

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Office Uses</u>			
Agency or professional office	F	A <sup>2</sup>	A
General office	F	A <sup>2</sup>	A
Office of wholesale business	F	F	C
<u>Open Space Uses</u>			
Golf driving range	F	F	F
Grounds for sports, private	F	F	F
Open space	A	A	A
Open space recreational building	C	C	A
Outdoor place of recreation for profit	F	F	F
Stadium	F	F	F
<u>Public Service Uses</u> <sup>3</sup>			
Automatic telephone exchange	C	C	C
Courthouse	F	F	C
Fire station	C	C	C
Penal institution	F	F	F
Police station	C	C	C
Pumping station	F	F	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F
Solid waste transfer station	F	F	F
Sub-station	F	F	C
Telephone exchange	F	F	F

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Research and Development Uses</u> <sup>4</sup>			
Research laboratory	F	F	F
Product development or prototype manufacturing	F	F	F
<u>Residential Uses</u> <sup>5</sup>			
Congregate living complex	C	C	C
Elderly housing	C	C	C
Group residence, limited	A	A	C
Lodging house	C	C	C
Mobile home	F	F	F
Mobile home park	F	F	F
Multi-family dwelling	A	A	A
One family detached dwelling	F	F	F
One family semi-attached dwelling	F	F	F
Orphanage	C	F	C
Rowhouse	A	A	C
Temporary dwelling structure	C	C	F
Three family detached dwelling	F	F	F
Townhouse	A	A	C
Transitional housing or homeless shelter	C	C	F
Two family detached dwelling	F	F	F
Two family semi-attached dwelling	F	F	F



TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Restaurant Uses</u>			
Drive-in restaurant	F	F	F
Restaurant	F	C	A
Take-out restaurant			
Small <sup>6</sup>	F	C	C
Large <sup>7</sup>	F	F	F
<u>Retail Uses<sup>8</sup></u>			
Adult bookstore	F	F	F
Bakery	F	A <sup>2</sup>	A
General retail business	F	F	A
Liquor store	F	F	C
Local retail business	F	A <sup>2</sup>	A
Outdoor sale of garden supplies	F	F	C
<u>Service Uses<sup>8</sup></u>			
Animal hospital	F	F	F
Barber or beauty shop	F	A <sup>2</sup>	A
Caterer's establishment	F	C	C
Check cashing business	F	C <sup>2</sup>	C
Container redemption center	F	F	F
Dry-cleaning shop	F	A <sup>2</sup>	A
Kennel	F	F	F
Laundry, retail service	F	A <sup>2</sup>	F
Laundry, self-service	F	A <sup>2</sup>	F

TABLE A

Service Uses <sup>8</sup> (cont'd)	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
Photocopying establishment	F	A <sup>2</sup>	A
Shoe repair	F	A <sup>2</sup>	A
Tailor shop	F	A <sup>2</sup>	A
<u>Storage Uses, Major</u>			
Enclosed storage of solid fuel or minerals	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F
Outdoor storage of new materials	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F
Outdoor storage of junk and scrap	F	F	F
Storage of flammable liquids and gases	F	F	F
Small <sup>9</sup>	F	F	F
Large <sup>9</sup>	F	F	F
Storage or transfer of toxic waste	F	F	F
Warehousing	F	F	F
Wrecking yard	F	F	F
<u>Trade Uses<sup>8</sup></u>			
Carpenters shop	F	F	F
Electrician's shop	F	F	F
Machine shop	F	F	F

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Trade Uses<sup>8</sup> (cont'd)</u>			
Photographer's studio	F	F	A
Plumber's shop	F	F	F
Radio/television repair	F	F	F
Upholsterer's shop	F	F	F
Welder's shop	F	F	F
<u>Transportation Uses</u>			
Airport	F	F	F
Bus terminal	F	F	F
Garage with dispatch	F	F	F
Helicopter landing facility	F	F	F
Motor freight terminal	F	F	F
Rail freight terminal	F	F	F
Railroad passenger station	F	F	F
Water terminal	F	F	F
<u>Vehicular Uses</u>			
Airport-related remote parking facility	F	F	F
Bus servicing or storage	F	F	F
Carwash	F	F	F
Gasoline station	F	F	F
Indoor sale, with or without installation, of automotive, parts, accessories and supplies	F	F	F
Indoor sale of automobiles and trucks	F	F	F



TABLE A

Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
-------------------------------------	---	---

Vehicular Uses (cont'd)

Outdoor sale of new and used vehicles  
 Parking garage  
 Parking lot  
 Rental agency for cars  
 Rental agency for trucks  
 Repair garage  
 Truck servicing or storage

F	F	F
F	F	C
F	F	F
F	F	F
F	F	F
F	F	F
F	F	F

Wholesale Uses

Wholesale business

F	F	F
---	---	---

Accessory and Ancillary Uses

In each subdistrict of the South End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines in  
 (not more than four) commercial or  
 non-commercial establishment  
 Accessory art use  
 Accessory automatic teller machine  
 Accessory bus servicing or storage  
 Accessory cafeteria

F	F	F
A	A	A
F	A <sup>2</sup>	A
F	F	F
F	F	A

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Accessory and Ancillary Uses (cont'd)</u>			
Accessory cultural uses	A <sup>2</sup>	A <sup>2</sup>	A
Accessory dormitory	F	F	F
Accessory drive-through restaurant	F	F	F
Accessory drive-through retail	F	F	F
Accessory family day care home	A	A	C
Accessory home occupation	A	A	C
Accessory industrial use	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F
Accessory keeping of laboratory animals <sup>4</sup>	F	F	F
Accessory machine shop	F	F	A
Accessory manufacture of products	F	F	F
Accessory offices	F	A <sup>2</sup>	A
Accessory outdoor cafe	F	C	A
Accessory parking <sup>13</sup>	A	A	A
Accessory personnel quarters	A	A	A
Accessory printing	F	F	A
Accessory professional office in a dwelling	A	A	C
Accessory railroad storage yard	F	F	F
Accessory repair garage	F	F	F
Accessory retail	F	A <sup>2</sup>	A
Accessory recycling	F	F	F
Accessory services for apartment and hotel residents	F	A	A

TABLE A

	Multifamily Residential (MFR)	Multifamily Residential/ Local Services (MFR/LS)	Community Facilities Subdistricts (CF)
<u>Accessory and Ancillary Uses (cont'd)</u>			
Accessory services incidental to educational uses other than a college or university use	F	F	A
Accessory service uses	F	C	A
Accessory storage of flammable liquids and gases			
Small <sup>9</sup>	F	F	F
Large <sup>9</sup>	F	F	F
Accessory storage or transfer of toxic waste	F	F	F
Accessory swimming pool or tennis court <sup>10</sup>	A	A	A
Accessory trade uses	F	F	A
Accessory truck servicing or storage	F	F	F
Accessory wholesale business	F	F	C
Ancillary use <sup>11</sup>	C	C	C



TABLE A

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table A. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.  
  
See Section 64-4 (Applicability), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table A to Institutional Uses. See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.
2. Where designated "A" or "C," provided that such use is located on the ground floor, or in a basement with a separate entrance; otherwise forbidden.
3. Where designated "A," provided that: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, substation, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
4. Provided that any such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
5. Provided that Dwelling Units are forbidden in Basements.
6. Total gross floor area not more than 2,500 square feet per restaurant.
7. Total gross floor area exceeding 2,500 square feet per restaurant.
8. Where a Retail, Service or Trade Use is designated "A", it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.

TABLE A

9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
10. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
11. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which is it ancillary.
12. Provided that such use has not more than 500 seats; otherwise conditional.
13. See Map 1P and Section 3-1A.c concerning regulations applicable in a Restricted Parking District.

TABLE B

## South End Neighborhood District

Use Regulations in  
Economic Development Areas, Neighborhood Development Areas and Institutional Subdistricts

Key: A = Allowed, C = Conditional, F = Forbidden  
For definitions of use categories and certain specific uses, see Article 2A.  
For summary of requirements applicable to Institutional Uses, see Note 1.

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Banking and Postal Uses</u>				
Automatic teller machine	A	A	A	A
Bank	A	A	A	A
Drive-in bank	C	F	F	F
Post office	A	A	A	A
<u>Community Uses</u>				
Adult education center	A	A	A	A
Community center	A	A	A	A
Day care center	A	A	A	A
Day care center, elderly	A	A	A	A
Library	A	A	A	A
Place of worship; monastery; convent; parish house	A	A	A	A



TABLE B (Continued)

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Cultural Uses</u>				
Art gallery	A	A	A	A
Art use	A	A	A	A
Auditorium	A	C	C	C
Cinema	A	C	C	F
Concert hall	A	C	C	F
Museum	A	C	C	A
Public art, display space	A	A	A	A
Studios, arts	A	A	A	C
Studios, production	A	A	A	C
Theatre	A	C	C	C
Ticket sales	A	C	C	C
<u>Dormitory and Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	C
Fraternity	F	F	F	C
<u>Educational Uses</u>				
College or university <sup>1</sup>	C	F <sup>15</sup>	F	A <sup>1</sup>
Elementary or secondary school <sup>2</sup>	C	A	C	A
Kindergarten	C	A	C	A
Professional school	A	A	F	A
Trade school	A	A	F	A

TABLE B (Continued)

	Community Commercial Subdistricts	Economic Development Areas	Neighborhood Development Areas	Institutional Subdistricts
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	C	F	F	F
Amusement game machines in non-commercial establishment	C	F	F	F
Bar <sup>3</sup>	C	F	F	F
Bar with live entertainment <sup>3</sup>	C	F	F	F
Bowling alley	A	C	F	A
Billiard parlor	A	C	F	A
Dance hall	C	C	F	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	A	C	F	C
Private club not serving alcohol	A	F	F	F
Private club serving alcohol	C	F	F	F
Restaurant with live entertainment, not operating after 10:30 p.m. <sup>3</sup>	A	C	F	C
Restaurant with live entertainment, operating after 10:30 p.m. <sup>3</sup>	C	C	F	C
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F
Funeral home	A	C	F	F
Mortuary chapel	A	F	F	

TABLE B (Continued)

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Health Care Uses</u>				
Clinic	A	C	C	A
Clinical laboratory	C	C	F	A
Custodial care facility	C	C	F	C
Group care residence, general	C	F	F	C
Hospital <sup>1</sup>	C	F	F	A <sup>1</sup>
Nursing or convalescent home <sup>1</sup>	C	C	C	A <sup>1</sup>
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	A	A	A	A
Conference center	A	A	C	A
Executive suites	A	A	C	A
Hotel	A	A	C	A
Motel	C	F	F	F
<u>Industrial Uses</u>				
Artists' mixed-use	A	A	A	C
Cleaning plant	F	C	F	F
General manufacturing use	F	C	F	F
Light manufacturing use	F	A	F	F
Printing plant	F	C	F	F
Restricted industrial use	F	F	F	F



TABLE B (Continued)

<u>Office Uses</u>	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
Agency or professional office	A	A	A	A
General office	A	A	A	A
Office of wholesale business	A	A	C	F
<u>Open Space Uses</u>				
Golf driving range	C	F	F	F
Grounds for sports, private	C	C	C	F
Open space	A	A	A	A
Open space recreational building	A	C	C	F
Outdoor place of recreation for profit	C	C	C	F
Stadium	C	F	F	F
<u>Public Service Uses<sup>2</sup></u>				
Automatic telephone exchange	A	A	C	C
Courthouse	C	A	A	F
Fire station	A	A	A	A
Penal institution	C	F	F	F
Police station	A	A	A	A
Pumping station	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	C	F	F
Solid waste transfer station	F	F	F	F
Sub-station	C	C	C	C
Telephone exchange	C	C	C	F

TABLE B (Continued)

	Community Commercial Subdistricts	Economic Development Areas	Neighborhood Development Areas	Institutional Subdistricts
<u>Research and Development Uses<sup>5</sup></u>				
Research laboratory	C	C	F	A
Product development; prototype manufacturing	C	A	F	A
<u>Residential Uses<sup>6</sup></u>				
Congregate living complex	C	C	C	A
Elderly housing	C	C	C	A
Group residence, limited	C	A	A	A
Lodging house	C	C	C	F
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	A	A	A	F
One family detached dwelling	C	F	F	F
One family semi-attached dwelling	C	F	F	F
Orphanage	C	F	C	F
Rowhouse	A	A	A	F
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	C	F	F	F
Townhouse	A	A	A	F
Transitional housing or homeless shelter	C	C	F	C
Two family detached dwelling	C	F	F	F
Two family semi-attached dwelling	C	F	F	F

TABLE B (Continued)

<u>Restaurant Uses</u>	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
Drive-in restaurant	C	F	F	F
Restaurant	A	A	C	A
Take-out restaurant				
Small <sup>6</sup>	A	C	C	C
Large <sup>7</sup>	C	C	C	C
<u>Retail Uses<sup>8</sup></u>				
Adult bookstore	F	F	F	F
Bakery	A	A	A	F
General retail business <sup>13</sup>	A	C	C	F
Liquor store	A	F	F	F
Local retail business	A	A	A	C
Outdoor sale of garden supplies	A	A	C	F
<u>Service Uses<sup>8</sup></u>				
Animal hospital	A	C	F	C
Barber or beauty shop	A	A	A	A
Caterer's establishment	A	A	A	F
Check cashing business	x	F	F	C
Container redemption center <sup>9</sup>	C	C	F	C
Dry-cleaning shop	A	A	A	A
Kennel	A	F	F	F
Laundry, retail service	A	A	A	F
Laundry, self-service	A	A	A	F



TABLE B (Continued)

<u>Service Uses<sup>8</sup> (cont'd)</u>	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
Photocopying establishment	A	A	A	A
Shoe repair	A	A	A	A
Tailor shop	A	A	A	A
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of certain materials	x	F	F	F
Storage of flammable liquids and gases				
Small <sup>10</sup>	C	C	F	F
Large <sup>10</sup>	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F
Warehousing	F	C	F	F
Wrecking yard	F	F	F	F
<u>Trade Uses<sup>8</sup></u>				
Carpenters shop	A	A	C	F
Electrician's shop	A	A	C	F
Machine shop	A	A	C	F

TABLE B (Continued)

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Trade Uses<sup>8</sup> (cont'd)</u>				
Photographer's studio	A	A	A	C
Plumber's shop	A	A	C	F
Radio/television repair	A	A	C	F
Upholsterer's shop	A	A	C	F
Welder's shop	A	A	C	F
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F <sup>15</sup>	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	A	F	F	F
<u>Vehicular Uses</u>				
Airport-related remote parking facility	C	C	F	C
Bus servicing or storage	F	F	F	F
Carwash <sup>11</sup>	C	F	F	F
Gasoline station <sup>11</sup>	C	C	F	F
Indoor sale, with or without installation, of automotive parts, accessories and supplies	C	C	F	F
Indoor sale of automobiles and trucks	C	C	F	F

TABLE B (Continued)

	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
<u>Vehicular Uses (cont'd)</u>				
Outdoor sale of new and used vehicles	C	F	F	F
Parking garage	C	C	C <sup>16</sup>	C
Parking lot	C	F <sup>15</sup>	F	F
Rental agency for cars	C	C	F	F
Rental agency for trucks	C	C	F	F
Repair garage <sup>11</sup>	C	C	F	F
Truck servicing or storage	F	F	F	F
<u>Wholesale Uses</u>				
Wholesale business	F	A	C	F
<u>Accessory and Ancillary Uses</u>				

In each subdistrict of the South End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines  
not more than four) in commercial  
or non-commercial establishment

Accessory art use

Accessory automatic teller machine

Accessory bus servicing or storage

Accessory cafeteria

C	F	C
A	A	A
A	A	A
C	F	C
A	A	A



TABLE B (Continued)

<u>Accessory and Ancillary Uses (cont'd)</u>	<u>Community Commercial Subdistricts</u>	<u>Economic Development Areas</u>	<u>Neighborhood Development Areas</u>	<u>Institutional Subdistricts</u>
Accessory cultural uses	A	C	C	A
Accessory dormitory	F	F	F	C
Accessory drive-through restaurant	C	F	F	F
Accessory drive-through retail	C	F	F	F
Accessory family day care home	A	A	A	F
Accessory home occupation	A	A	A	F
Accessory industrial use	A	A	F	F
Accessory keeping of animals, other than laboratory animals	A	C	F	F
Accessory keeping of laboratory animals <sup>4</sup>	C	C	F	A
Accessory machine shop	A	A	F	A
Accessory manufacture of products	C	A	F	A
Accessory offices	A	A	C	F
Accessory offices for university	C	A	A	A
Accessory outdoor cafe	A	F <sup>15</sup>	F	A
Accessory parking <sup>17</sup>	A	A	C	A
Accessory personnel quarters	C	A	A	A
Accessory printing	A	A	A	A
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	A	A	F
Accessory recycling	C	F	F	F
Accessory repair garage	C	C	C	C
Accessory retail	A	C	F	C
Accessory service uses	A	A	A	A
		C	C	A

TABLE B (Continued)

	Community Commercial Subdistricts	Economic Development Areas	Neighborhood Development Areas	Institutional Subdistricts
<u>Accessory and Ancillary Uses (cont'd)</u>				
Accessory services for apartment and hotel residents	A	A	A	A
Accessory services incidental to educational uses other than college or university use	A	A	C	A
Accessory storage of flammable liquids and gases				
Small <sup>10</sup>	A	A	C	A
Large <sup>10</sup>	C	C	C	C
Accessory storage or transfer of toxic waste	F	C	F	A
Accessory swimming pool or tennis court <sup>12</sup>	A	A	A	A
Accessory trade uses	A	A	C	A
Accessory truck servicing or storage	C	C	C	C
Accessory wholesale business	C	A	A	F
Ancillary use <sup>13</sup>	C	C	C	C

1. Note regarding Institutional Uses. The Institutional Use categories "College or University Use," "Hospital Use," and "Nursing or Convalescent Home Use," are defined in Article 2A to include subuses (office, parking, etc.) that also appear as main uses in this Table B. If part of an Institutional Use, pursuant to the provisions of this Article and Article 2A, any such subuse shall be regulated as the pertinent Institutional Use. To determine whether the substitution of one such subuse for another constitutes a Proposed Institutional Project, and to determine whether a subuse is a High Impact Subuse, see the definition of the pertinent Institutional Use in Article 2A.

TABLE B (Continued)

See Section 64-4 (Applicability), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements) concerning the applicability of the use regulations of this Table B to Institutional Uses. See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such uses.

2. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.
  3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
  4. Provided that such use shall comply with all the guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
  5. Provided that Dwelling Units are forbidden in Basements.
  6. Total gross floor area not more than 1,000 square feet per restaurant.
  7. Total gross floor area exceeding 1,000 square feet per restaurant.
  8. In an Economic Development Area, Neighborhood Development Area, or Community Commercial Subdistrict, where a Retail, Service, or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.
- In an Institutional Subdistrict, where a Retail, Service, or Trade Use is designated "A," it shall be forbidden if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after 12 midnight or before 6:00 a.m.



TABLE B (Continued)

9. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, Open Space District or Subdistrict, or Conservation Protection Subdistrict.
10. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.
11. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
12. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
13. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it:
  - (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or
  - (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; or
  - (c) enlarges a General Retail Business so as to result in a total gross floor area of seventy-five thousand (75,000) or more square feet.
14. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.
15. Except conditional in the Bio Square EDA.
16. Provided that such parking is located: (1) underground, or (2) above the ground floor in a structure in which the ground floor is occupied by retail, service or office uses; otherwise forbidden.
17. See Map 1P and Section 3-1A.c concerning regulations applicable in a Restricted Parking District.

TABLE C

## South End Neighborhood District

Residential Subdistricts  
Dimensional Regulations

Subdistrict	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height Maximum Stories	Feet	Usable Open Space <sup>b</sup> Minimum Sq. Ft. Per Dwelling Unit	Front Yard Minimum Depth (Feet)	Side Yard Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
-------------	--	--	--------------------------------	--------------------------------------	--------------------------------	--	------	--	---	--	--	---

MFR and MFR/LS<sup>a</sup>

Row House Building or Town House Building	none	none	none	none	2.0	-	70	200	(c)	none	20	25
Any Other Dwelling or use	none	none	none	none	2.0	-	70	200	(c)	none	20	25

Footnotes

- See Map 1P and Section 64-7 (Establishment of Residential Subdistricts).
- Applicable only to Residential Uses and Dormitory/Fraternity Uses.
- See Section 64-37.1 (Conformity with Existing Building Alignment). A bay window may protrude into a front yard.

TABLE D

## South End Neighborhood District

Neighborhood Business Subdistricts and  
Community Facilities Subdistricts  
Dimensional Regulations (1)

	Community Facilities Subdistricts	Community Commercial Subdistricts
Maximum Floor Area Ratio (2)	4.0	4.0
Maximum Building Height (2)	70	70
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	none	none
Minimum Usable Open Space per Dwelling Unit	200	200
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard (3)	none	none
Minimum Side Yard (4)	none	none
Minimum Rear Yard (5)	20	20



## TABLE D

### Footnotes:

1. For applicability of the dimensional regulations of this Table D to buildings and structures used for Institutional Uses, see Section 64-4 (Applicability), Section 64-24 (Institutional Master Plan Review Requirement), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such buildings and structures.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 64-29. See also Section 64-28 (Establishment of Areas in which Planned Development Areas May be Permitted).
3. In a required front yard, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.  
  
Every front yard required by this code shall be at grade level along every lot line on which such yard abuts.
4. No side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting district. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.
5. Every rear yard required by this code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE E

## South End Neighborhood District

Economic Development Areas, Neighborhood Development Areas, and Institutional Subdistricts  
Dimensional Regulations (1)

	<u>South End EDA/North</u>	<u>Bio Square EDA and South End EDA/South</u>	<u>Washington Street Neighborhood Development Area</u>	<u>Institutional Subdistricts</u>
Maximum Floor Area Ratio (2)	4.0	4.0	3.0	4.0
Maximum Building Height (2)	70	150 (3)	70	120
Residential Use	(4)	(4)	(4)	(4)
Other Use				
Minimum Lot Size	none	none	none	none
Minimum Lot Width	none	none	none	none
Minimum Lot Frontage	none	none	none	none
Minimum Front Yard	none	none	none	none
Minimum Side Yard	none	none	none	none
Minimum Rear Yard	20 (5)	20 (5)	20 (5)	20 (5)

TABLE E

1. For applicability of the dimensional regulations of this Table E to buildings and structures used for Institutional Uses, see Section 64-4 (Applicability), Section 64-24 (Institutional Master Plan Review Requirement), Section 80D-2.4 (Regulations Applicable to Exempt Projects), and Section 80D-11 (Institutional Master Plan Review: Effect on Applicability of Other Zoning Requirements). See also Section 64-24 (Institutional Master Plan Review Requirement) and Section 80D-2 (Applicability of Institutional Master Plan Review) concerning the applicability of Institutional Master Plan Review to such buildings and structures.
2. For maximum Building Heights and Floor Area Ratios for Planned Development Areas, see Section 64-29. See also Section 64-28 (Establishment of Areas in which Planned Development Areas May be Permitted).
3. Except that within 100 feet of the subdistrict boundary along Albany Street, the maximum Building Height shall be one hundred ten (110) feet and, for any Building over 70 feet in height, all parts of the Building above 70 feet shall be set back by no less than ten (10) feet from the Street Line of Albany Street.
4. For any Residential Use, the requirements for the MFR and MFR/LS Subdistricts, as set forth in Table C (Residential Subdistricts: Dimensional Regulations), shall be applicable.
5. Except that any Rear Yard for any Proposed Project that is subject to or has elected to comply with the provisions of Large Project Review shall be determined through such review.



TABLE F

**South End Neighborhood District  
Off-Street Parking Requirements (1)**

**Residential and Related Uses**

	Off Street Parking Requirement (space per dwelling unit) (2)(3)
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	0.7
<u>Residential Uses (3)</u>	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses (4)(5)	0.7

1. The provisions of this Table F do not apply to Proposed Projects that are subject to Large Project Review. See Section 64-33 (Off-Street Parking and Loading Requirements).
2. Where a use is not divided into Dwelling Units:
  - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
  - (b) if sleeping rooms have accommodations for more than two (2) persons, each group of four (4) beds shall constitute a Dwelling Unit.
3. Any dwelling converted for more families in separate dwelling units must meet not less than one-half the off-street parking requirements of this Table F.
4. Off-street parking facilities are not required unless more than two car spaces are required by this Table F.
5. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement shall be 0.7 parking spaces per Dwelling Unit.

TABLE G

**South End Neighborhood District  
Off-Street Loading Requirements (1)**

<u>Gross Floor Area</u>	<u>Required Off Street Loading Bays</u>
0-15,000 square feet	0
15,001-24,999 square feet	1.0

1. The provisions of this Table G do not apply to Proposed Projects that are subject to Large Project Review. See Section 64-33 (Off-Street Parking and Loading Requirements).

Text Amendment Application No. 293

Text Amendment No. 256

*R. R. Mann*

Chairman

*Robert Fouchen*

Vice Chairman

*James Clark*

*Ralph Cooper*

*James M. McGrath*

*John Bean*

*Jill S. Hatton*

In Zoning Commission

Adopted: December 16, 1998

Attest:

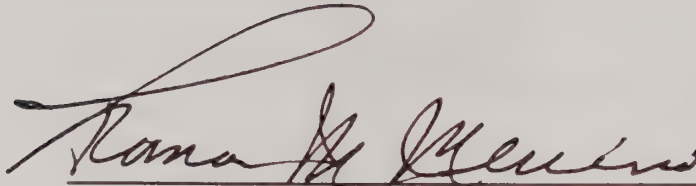
*Jeffrey W. Houghton*

Secretary



Text Amendment Application No. 293

Text Amendment No. 256

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 12/16/98

---

The foregoing amendment was presented to the Mayor on DECEMBER 16, 1998, and was signed by him on DECEMBER 16, 1998, whereupon it became effective on DECEMBER 16, 1998, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission

Text Amendment Application No. 295  
Boston Redevelopment Authority  
Downtown Interim Planning Overlay  
District: Extension of Time

TEXT AMENDMENT NO. 257

\*Effective:  
March 26, 1999

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF BOSTON

IN ZONING COMMISSION

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing, does hereby amend the Boston Zoning Code as follows:

By extending to March 24, 2000, the period of time that Article 27D, governing the Downtown Interim Planning Overlay District, remains in effect; said period of time having been previously extended to March 24, 1997, by Text Amendments No. 144, No. 158, No. 178, No. 207, No. 218, No. 223, No. 241, and No. 251 and previously under the provisions of Section 27-2.3 as amended by Text Amendments No. 115 and No. 125.

This extension affects the remaining area of the Downtown Interim Planning Overlay District. The remaining area of said overlay district excludes from the original area of the district, as established by Map Amendment No. 211 and Text Amendment No. 98, the areas of the following subsequently adopted districts: Midtown Cultural District, North Station Economic Development Area, South Station Economic Development Area/Leather District, Huntington Avenue/Prudential Center District, Chinatown District, Government Center/Markets District, Bulfinch Triangle District, Cambridge Street North District, and Bay Village Neighborhood District as the areas of those districts are shown, respectively, on Maps 1A, 1B, 1C, 1D, 1G, 1H, 1J, 1K, and 1N of the series of maps entitled "Zoning Districts City of Boston."

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\* Date of public notice: March 1, 1999 (St. 1956, c. 665, s. 5)





Text Amendment Application No. 295

Text Amendment No. 257

*R. L. Mann*

Chairman

*Robert Foulkes*

Vice Chairman

*James C. Clark*

*Malcolm [unclear]*

*John [unclear]*

*John Bean*

*W. S. Hutton*

In Zoning Commission

Adopted: March 24, 1999

Attest:


*[Signature]*

Secretary



Text Amendment Application No. 295

Text Amendment No. 257

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 3/26/99

\_\_\_\_\_  
The foregoing amendment was presented to the Mayor on MARCH 25, 1999, and was signed by him on MARCH 26, 1999, whereupon it became effective on MARCH 26, 1999, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission







TEXT AMENDMENT NO. 258  
THE COMMONWEALTH OF MASSACHUSETTS  
CITY OF BOSTON  
IN ZONING COMMISSION

\*Effective:  
March 26, 1999

The Zoning Commission of the City of Boston, acting under Chapter 665 of the Acts of 1956, as amended, after due report, notice and hearing does hereby amend the Boston Zoning Code as follows:

By amending **Article 51, Allston-Brighton Neighborhood District**, in the manner described below.

1. In Section 51-37, Establishment of Areas Within Which Planned Development Areas May be Permitted:

- (a) in the first sentence of this section, immediately before the final period (.), insert the following text :

, and the Guest Street Local Industrial Subdistrict

and delete the word : "and" immediately preceding the words: "the Allston Landing South Economic Development Area".

- (b) In the second paragraph of this subsection, in the following text:

and the Western Avenue/Soldiers Field Road Community Commercial Subdistrict

replace the word: "and" with a comma (,) and, after said text, insert the following text:

, and the Guest Street Local Industrial Subdistrict





Text Amendment Application No. 296

Text Amendment No. 258

*R. L. Mann*

Chairman

*Robert London*

Vice Chairman

*James C. Clark*

*Ralph Cook*

*Mark H. Huggins*

*John Bean*

*Bill Stettin*

In Zoning Commission

Adopted: March 24, 1999

Attest:

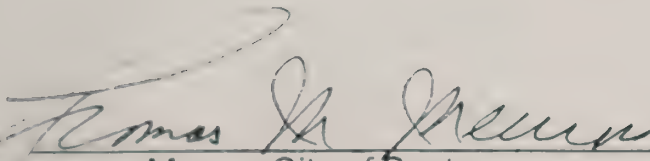
*Gregory M. Houghton*

Secretary



Text Amendment Application No. 296

Text Amendment No. 258

  
\_\_\_\_\_  
Mayor, City of Boston

Date: 3/26/99

---

The foregoing amendment was presented to the Mayor on MARCH 25, 1999, and was signed by him on MARCH 26, 1999, whereupon it became effective on MARCH 26, 1999, in accordance with Section 3 of Chapter 665 of the Acts of 1956, as amended.

Attest:

  
\_\_\_\_\_  
Secretary to the Zoning Commission











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